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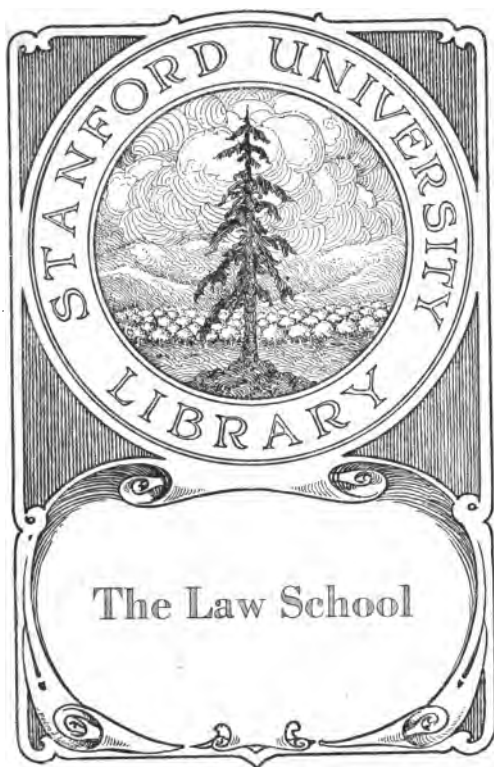
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Autumn 1857

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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED

AT THE CALLED SESSION WHICH WAS BEGUN AND HELD IN THE
CITY OF FRANKFORT, ON MONDAY, THE 6TH DAY
OF MAY, 1861, AND ENDED ON FRIDAY,
THE 24TH DAY OF MAY, 1861.

PUBLISHED BY AUTHORITY.

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PRINTED AT THE YEOMAN OFFICE
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1861.

VIARELLI GROTTO

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PUBLIC ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE CALLED SESSION WHICH WAS BEGUN AND HELD
- IN THE CITY OF FRANKFORT, ON MONDAY, THE 6TH
DAY OF MAY, 1861, AND ENDED ON FRIDAY,
THE 24TH DAY OF MAY, 1861.

BERIAH MAGOFFIN, *Governor.*

THOS. P. PORTER, *Speaker of the Senate.*

DAVID MERIWETHER, *Speaker of the House of Reps.*

THO. B. MONROE, JR., *Secretary of State.*

CHAPTER 6.

AN ACT to regulate the time of holding the circuit courts in the counties of
Calloway and Marshall.

Be it enacted by the General Assembly of the Commonwealth of 1861.
Kentucky:

§ 1. That an act, approved the 18th February, 1860, regulating the times of holding the circuit courts of this Commonwealth, be, and the same is hereby, re-enacted so far as it applies to the times of holding said courts in the counties of Calloway and Marshall.

*Acts 1859-'60,
p. 37.*

§ 2. This act shall take effect from its passage.

DAVID MERIWETHER,
Speaker of the House of Representatives.

THOMAS P. PORTER,
Speaker of the Senate.

Approved May 15, 1861.

B. MAGOFFIN.

By the Governor:

THOS. B. MONROE, JR., *Secretary of State.*

1861.

CHAPTER 38.

AN ACT to suspend the circuit and other courts in this Commonwealth, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Laws requiring cir. courts eq. and crim. courts, quarterly courts, justices' courts, police, town, & city courts, repealed until 1 Jan., 1862.

Proviso.

Process in civil cases.

Trial of crim. and penal cases not to be interfered with.

Proviso as to Boyle circuit court.

Terms of eq. and cir. courts to be held as now provided for.

What kind of cases to be tried.

Steps may be taken.

Executions to be returned & re-issued.

Returnable to 1 March, 1862.

§ 1. That all laws requiring circuit courts, equity and criminal courts, quarterly courts, justices' courts, and all police, town, and city courts, except for the trial of criminal and penal causes in this Commonwealth, be, and they are hereby, repealed until the first day of January, 1862:

Provided, That after the expiration of said time, said courts shall be held and governed by all the laws now in force: *And provided further*, That all civil process of every kind, returnable to said terms, shall be continued until the next regular terms of said courts after the first day of January, 1862; and nothing herein contained shall be construed so as to interfere in any manner whatever with the trial of criminal and penal causes in said courts at their regular terms, as though this act had not taken effect: *And provided further*, That the circuit court of Boyle county be held at its regular August term for the trial of all contested cases remaining on the docket of said court at the February term, 1861. That the several judges of the equity and circuit courts shall hold the terms of their several courts at the times now fixed by law for the trial of criminal and penal prosecutions, and for the purpose of the assignment of dower, for the trial of cases of divorce, for the probate of wills, for making the partition of land, ordering the distribution of estates ratably among the creditors, and for the trial of actions of tort, actions of forcible entry and detainer, and forcible detainer, and cases where the title to land or other property is in dispute, or where the boundary of land is involved, or a party is seeking to establish or complete, by judgment or order of court, title to lands, and all causes between principal and agent, between trustees and *cestui que trust*, and for all other cases of law or equity where a decree or judgment for money is not to be rendered, and for the taking of all proper steps for the preparation of cases in said courts.

§ 2. That all executions in this Commonwealth, which shall have been issued since the first day of January, 1861, up to the time this act takes effect, shall be returned as soon as practicable after this act takes effect, to the office from which the same issued, and forthwith reissued and made returnable on the first day of March, 1862; and all executions hereafter issued in this Commonwealth by the officers authorized to issue the same, shall be made returnable on the 1st day of March, 1862; and no officer, by authority of any execution issued under this act, shall sell any personal property of any kind until he has caused said prop-

erty to be appraised, as land is now required to be appraised, unless such property shall at such sale bring at least two thirds of its appraised value; and all sales of such property, which shall be made under any such executions for less than two thirds of its appraised value, shall be null and void, and invest the purchaser with no title to the same; but said execution shall still hold and retain a lien on said property: *Provided*, That any lien which may have been acquired or created by the issuing of an execution, shall not be released or impaired by the return of said execution, but shall continue in full force on any subsequent execution that may be issued; and after the said first of March, 1862, executions shall be issued and regulated according to the laws now in force, and sales of property after that time shall also be regulated by the laws in force previous to the passage of this act: *And provided further*, That this act shall not release the liability or responsibility of any assignor or assignors to his or their assignor or assignees on any assignment or transfer on any note, bond, or contract, or any surety on any note or contract on which suit has not been instituted, or on which judgment has been rendered: *Provided*, This act shall not be so construed as to prohibit any person whatever from bringing suits in any of the courts aforesaid, and obtaining any provisional remedy under existing laws, nor shall the law, as it now stands, authorizing the trial of attachments and other provisioned remedies, be in any wise obstructed by the provisions of this act; and judges and justices of the peace of said courts shall have power, under existing laws, to make any necessary order for the sale or preservation of attached property, or to enter any order authorized by the present laws for the distribution of any money whatever among the parties entitled to receive the same, in any case pending in any of said courts.

§ 3. That in all cases where replevin bonds, or bonds have heretofore been executed, the obligors to such replevin bonds shall not have the benefit of this act until they shall give their consent, in writing, that they accept the benefit of the extension of time given them by the issuing of any execution on any replevin bond; and that this consent shall be filed in the office where the replevin bond is filed, or whence the execution issued.

§ 4. And nothing contained in this act shall be so construed as to impair or repeal the laws now in force for the collection of the revenues of the State.

§ 5. This act shall take effect from its passage.

Approved May 24, 1861.

1861.

Personal property to be valued and to bring two thirds of its appraised value before sold.

Liens preserved.

How executions to be issued and made returnable after 1 Mar., 1862.

Liability of assignors and sureties not to be released.

The bringing of suits, &c., not prohibited.

Provisional remedies.

Orders for distribution of money.

Obligors in replevin bonds to give consent before benefit of this act is had.

This act not to impair the collection of State revenue.

1861.

CHAPTER 39,

AN ACT for the regulation of the militia and to provide for the arming of the State.

WHEREAS, It is deemed necessary for the purpose of defense to arm the State; and to accomplish this object money will have to be borrowed; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Board of commissioners constituted.
To borrow money of the banks.

§ 1. That the following named persons, viz: Hon. B. Magoffin, Governor of this Commonwealth, Samuel Gill, Geo. T. Wood, Gen. Peter Dudley, and Dr. John B. Peyton, are hereby constituted a Board of Commissioners, and authorized to borrow from the banks of issue in this State a sum not exceeding one million and sixty thousand dollars, for the term of ten years, and to execute to said banks, for and on behalf of the State of Kentucky, bonds for the amount borrowed from each of them, not to exceed in the aggregate the sum aforesaid, which bonds are to bear interest at the rate of six per centum per annum, payable semi-annually.

To purchase arms.
Proviso.
How divided between State Guard and Home Guard.

§ 2. Said Board of Commissioners are authorized, with the money so borrowed, to purchase arms and munitions of war; and in making said purchases shall ratify the contracts for the purchase of arms heretofore made by the Governor of this Commonwealth and pay for the same: *Provided*, Seven hundred and fifty thousand dollars only of said sum authorized to be borrowed shall be expended in the purchase of arms and accoutrements. Said arms, accoutrements, and munitions of war shall be equally distributed between the State Guard, the organization of which is now provided for by the military law, and such Home Guards as shall hereafter be organized in accordance with the provisions of this act. In making distribution of the arms and munitions of war among said Home Guards, due regard shall be had to the most exposed parts of the State, and to those counties where servile insurrection is most to be apprehended. A majority of said commissioners may exercise any of the powers hereby conferred on said board.

A majority may act.
Money to be paid by banks into State Treasury.
How drawn out.

§ 3. The money borrowed under the provisions of this act shall be paid by the banks into the State treasury; and upon the requisition of said board, or a majority thereof, in writing, stating the purpose for which the money called for is to be applied, the Auditor of the State shall issue his warrant upon the Treasurer for the sum contained in such requisition: *Provided, however*, That the whole amount thus drawn from the treasury shall not exceed the sum borrowed from the banks and paid by them into the treasury.

Powder mills may be erected.

§ 4. Said board shall have the power, if it shall be found necessary to exercise it, to have one or more mills for the

1861.

manufacture of gunpowder erected and put into operation at convenient points within the State; and also to adopt and carry into effect such other measures as they may deem expedient to enable them to furnish the arms and munitions of war which they are authorized by this act to procure: *Provided*, That no mill or armory shall be erected, under the provisions of this act, in any border county.

§ 5. Companies of Home Guards may be organized for home and local defense exclusively, but the members of such companies shall not be exempt from the military duties to which they are subject under the present military laws of the State; nor shall such companies be considered as any part of the organized militia of the State, or be subject, as companies, to be called into the service of the State. They are, when organized, to be furnished with arms by said board, as provided for in the second section of this act, upon the following terms and conditions, viz: Application for arms for a company of Home Guards shall be made by the captain of the company, who must produce to the board a certificate from the county judge that a company has been organized in his county; that the applicant has been duly elected captain thereof, and that all the officers and members of the company have taken the oath now required by law to be taken by the officers of the State Guard. And to enable the county judge to make such a certificate, he is empowered to conduct the election for officers of the company, who are to be elected by the members thereof. Said applicant must also execute a bond, with good security, to the Commonwealth of Kentucky, containing a covenant that the arms shall be safely kept, and shall be returned to the State arsenal, at Frankfort, at the expiration of five years, or sooner if the company shall be previously dissolved; and the county judge must also certify that the person or persons offered as surety in the bond are good and sufficient to secure the performance of said covenant, or to answer for its breach.

Companies of Home Guard, how organized and armed.

Bond for arms to be given.

§ 6. The arms and munitions of war which now belong to the State of Kentucky, and all that may be purchased or procured under the authority herein given, shall be subject to the control and disposition of said board under the provisions of this act. The State arsenal shall also be under its exclusive control and management.

All arms of the State to be under control of the Board, under the provisions of this act.

§ 7. That a part of the money borrowed may be used for the purpose of having the Active Militia suitably trained, and the purchase of camp and other equipage necessary to the active service of troops: *Provided*, That no part of the seven hundred and fifty thousand dollars appropriated for the purchase of arms and accoutrements shall be used for this purpose.

Training and camp equipage.

§ 8. All persons receiving arms under the provisions of

Oath to be taken.

1861. this act shall take the oath now required by law to be taken by the officers of the State Guard.

Commissioners' oath.

§ 9. The commissioners appointed by this act, before they enter upon the discharge of their duties, are required to take an oath, that they will faithfully execute the provisions of this act, to the best of their ability. Each of said commissioners who act under this appointment shall be paid, out of the money borrowed as aforesaid, the sum of five hundred dollars per annum, payable quarterly, as a compensation for their services. They may also appoint a secretary for the board, and allow him a reasonable compensation for his services out of the same fund, the amount of which allowance shall be certified by them to the Auditor of Public Accounts; and they are hereby authorized to act under this appointment for the term of two years, unless, in the meantime, their services shall be dispensed with by an act of the Legislature.

Pay.

May appoint a Secretary—his pay.

Commissioners to act two years, unless, &c.

How arms to be used.

§ 10. Nothing contained in this act shall be so construed as to authorize said board, or any of the military organizations created by the militia law of this State, to use in any wise the arms and munitions of war herein authorized to be purchased, or those already belonging to the State, against the Government of the United States, nor against the Confederate States, unless in protecting our soil from unlawful invasion; it being the intention alone that said arms and munitions of war are to be used for the sole defense of the State of Kentucky.

§ 11. This act shall take effect from its passage.

Approved May 24, 1861.

CHAPTER 40.

AN ACT to amend an act for the better organization of the militia, approved April 4, 1861.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts called session January, 1861, p. 28.

§ 1. That an act, entitled "An act to amend the militia law," approved April 4th, 1861; and an act entitled "An act to carry into effect certain provisions of an act for the better organization of the militia," approved April 4th, 1861, shall take effect and be in force from and after the passage of this act.

Members of State Guard required to take oath.

§ 2. That all the members of the State Guard heretofore organized under the militia law shall be required to take the oath now required to be taken by the officers of said Guard; and any member refusing to do so shall be regarded as no longer a member of that corps, and so treated by the officers of the company to which said member was attached.

§ 3. This act shall take effect from and after its passage. 1861.
Approved May 24, 1861.

CHAPTER 49.

AN ACT to amend title 1 of the Code of Practice in civil cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a final judgment shall not be rendered at any equity or criminal term of the circuit court in any action, which according to section 5, of title 1, of the Code of Practice in civil cases, must be prosecuted by ordinary proceedings; nor shall any such action be instituted, or docketed, as an appearance to any equity or criminal term.

Stanton's
Code of Prac-
tice, p. 19.

§ 2. This act shall take effect from and after its passage.
Approved May 2, 1861.

CHAPTER 55.

AN ACT to change the time appointed by law for the meeting of the General Assembly.

WHEREAS, In the present unsettled condition of the country, it is important that the next General Assembly, nearly all the members of which will be fresh from the people, should convene at as early a day as practicable after the August election; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the General Assembly, which, under the Constitution, is to meet in the year eighteen hundred and sixty-one, shall convene on the first Monday in September next.

Approved May 24, 1861.

CHAPTER 60.

AN ACT to amend the common school law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 88, article 1, section 1, of the Revised Statutes, be so amended as to read as follows, viz: The Auditor shall, once in each month, make a transfer to the credit of the school fund of all receipts into the treasury, for the benefit of common schools, up to the date of such transfer.

Revenue of
the school fund
to be appor-
tioned each
year.

§ 2. He shall apportion each year the revenue of the

1861. school fund among the several counties of the State, according to the number of free white children in each between the ages of six and eighteen years, as shown by the returns of the assessors in his office, and the reports of the school commissioners to the Superintendent. Whenever the number of children reported by the assessors exceeds the number reported by the school commissioners to the Superintendent, the county so reported is to be credited with such excess; and the Governor shall execute to the Board of Education a bond of the State therefor, redeemable at the pleasure of the Legislature, and not transferable, interest payable annually. But in all cases which have arisen heretofore, or which may arise hereafter, where the county or counties thus entitled to a surplus have drawn, or may hereafter draw, money out of the treasury, under the provisions of acts for the benefit of common school districts not regularly reported, the amounts thus drawn by each county are to be deducted from the surplus secured to it as aforesaid.

How.

How omitted districts to be paid.

Pay to Superintendent for expenses, clerks' hire, &c.

Books.

§ 3. The Superintendent, in addition to the allowances for clerk hire, office rent, and traveling expenses—which shall be paid him as heretofore, under orders from the Auditor on the treasury, payable out of the school fund—shall be entitled to one copy of Stanton's Revised Statutes, and to one copy hereafter of the Acts of the General Assembly and Journals of the Senate and House of Representatives.

§ 4. That the Auditor be directed to draw his warrant on the treasury, which is to be paid out of the school fund, in favor of C. Bailey, Assistant Auditor, for two hundred dollars, for services rendered by said Bailey in making out the school tables, under the provisions of the acts of 1859-60 and 1860-61, for the benefit of common school districts not regularly reported.

§ 5. This act shall take effect from and after its passage.

Approved May 24, 1861.

CHAPTER 69.

AN ACT to suspend the spring term of the Adair and Hopkins circuit courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trial of all civil actions docketed for trial at the May terms of the Adair and Hopkins circuit court be suspended till the November term of said court, and said civil actions be continued till that term of said court. Nothing herein shall be construed as preventing to com-

LAWS OF KENTUCKY.

9

plainants the right to all the benefits of provisional remedies now allowed by law.

§ 2. This act to take effect from its passage.

Approved May 24, 1861.

CHAPTER 80.

AN ACT to legalize the suspension of any of the banks of issue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any of the banks of issue of this State are hereby authorized to suspend the payment of specie, without a forfeiture of any of their chartered privileges: *Provided*, That said banks resume payment when ordered by the Legislature of Kentucky, after six months' notice being first given to said banks; but any bank failing to resume specie payment on such notice being given, shall forfeit its charter for such failure.

Banks may
suspend specie
payments.

§ 2. This act shall take effect from and after its passage.

Approved May 24, 1861.

CHAPTER 82.

AN ACT supplemental to an act legalizing a suspension of specie payment by the banks of this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If the banks of this State suspend specie payment in accordance with the provisions of the act to which this act is supplemental, it is hereby provided further that neither the banks in their corporate capacity, or the officers or stockholders thereof, shall incur any of the penalties, or subject themselves to any suit or action for such failure to redeem their issue and deposits in specie.

Penalties for
suspending re-
mitted.

§ 2. This act to take effect from its passage.

Approved May 24, 1861.

CHAPTER 85.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers and employees of the two Houses of the General Assembly shall be entitled to receive the same compensation for their services during the present

1861. called session as provided for the former session in an act, entitled "An act for the appropriation of money," approved February 11th, 1861.

§ 2. That the following sums of money be, and they are hereby, appropriated for the benefit of the persons named, to be paid out of any money in the treasury not otherwise appropriated:

1. To A. J. James, for expenses incurred in removing geological specimens from Indiana to Kentucky, by order of the General Assembly, fifteen dollars and sixty cents, (\$15 60.)

2. To A. G. Hodges & Co., for the Daily Commonwealth, one hundred dollars, (\$100.)

3. To S. I. M. Major & Co., for the Daily Yeoman, one hundred dollars, (\$100.)

4. To Greenup & Alley, bill of sundries, eight dollars and seventy-five cents, (\$8 75.)

5. To W. H. Averill, bill of sundries, two dollars, (\$2 00,) and J. M. Mills, fifty cents, (\$0 50.)

6. To S. C. Bull, bill of sundries, twenty dollars and fifty cents, (\$20 50.)

7. To Robb & Dehoney, bill of sundries, fifteen dollars and five cents, (\$15 05.)

8. To Keenon & Gibbons, bill of sundries, thirty-two dollars and forty cents, (\$32 40.)

9. To the Kentucky penitentiary, three dollars and fifty cents, (\$3 50.)

10. To the clerk of the Committee on Enrollments of the two Houses, three dollars per day during the session, and to the clerk of the Committee on Federal Relations, ten dollars, (\$10.) in full of his services as clerk of said committee.

11. To Gray & Todd, for bill of sundries, twenty-four dollars and eighty-three cents, (\$24 83.)

§ 3. That the principal clerks of the two Houses shall be entitled to the same compensation for arranging the papers and preparing acts for publication as is provided in the act of February 11, 1861, for the former called session, and for additional clerk hire, to be paid upon their certificate that the accounts are correct.

§ 4. To D. C. Barrett, for making indexes to the Journals of the House and Senate, and for making indexes to the private acts of the present session, sixty dollars, (\$60.)

§ 5. To the Ministers of the different religious denominations of the city of Frankfort, ninety dollars, (\$90,) to be disbursed by the Sergeant-at-Arms of the Senate.

§ 6. This act shall take effect from its passage.

Approved May 24, 1861

RESOLUTION.

No. 1.

RESOLUTION for final adjournment of the General Assembly.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That when the two Houses adjourn on Friday, the 24th inst., at 12 o'clock, they will adjourn *sine die*.

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LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE CALLED SESSION WHICH WAS BEGUN AND
HELD IN THE CITY OF FRANKFORT, ON MONDAY,
THE 6TH DAY OF MAY, 1861, AND ENDED ON
FRIDAY, THE 24TH DAY OF MAY, 1861.

BERIAH MAGOFFIN, *Governor.*
THOS. P. PORTER, *Speaker of the Senate.*
DAVID MERIWETHER, *Speaker of the House of Reps.*
THOS. B. MONROE, JR., *Secretary of State.*

CHAPTER 1.

AN ACT to amend the charter of Russellville.

Be it enacted by the General Assembly of the Commonwealth 1861.
of Kentucky:

§ 1. That the charter of the town of Russellville be so amended, that the chairman and board of trustees of said town be, and they are hereby, authorized to borrow any sum of money not exceeding \$1,200, for the purpose of buying arms and ammunition for the defense of said town; and as trustees as aforesaid bind the revenue of said town for the payment; and in the event an amount of money not exceeding said sum of \$1,200 has already been borrowed, that the said act is hereby legalized and ratified, and shall bind the revenue of said town as aforesaid for the payment thereof.

§ 2. This act to take effect from its passage.

DAVID MERIWETHER,
Speaker of the House of Representatives.
THOMAS P. PORTER,
Speaker of the Senate.

Approved May 13, 1861.

B. MAGOFFIN.

By the Governor:
THOS. B. MONROE, JR., *Secretary of State.*

1861.

CHAPTER 2.

AN ACT declaring Eagle creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Eagle creek be, and is hereby, declared a navigable stream from its mouth to Sanders' new mill, in Owen county.

§ 2. This act to take effect from and after its passage.

Approved May 15th, 1861.

CHAPTER 3.

AN ACT to amend the charter of Bowling-Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Bowling-Green shall have power to fill all vacancies which may occur from any cause in their board, or in any office elected by law or by the ordinances of the chairman and board of trustees of said town, in pursuance of the charter thereof, to the government and management of the affairs of said town.

§ 2. That the board of trustees of said town shall have the same power to suspend the license of a tavern-keeper who resides in said town, who permits any person or persons to tipple and drink in his or her house or tavern, after such person is drunk or intoxicated, as said board now has in cases where any such tavern-keeper allows or permits any person or persons to tipple or drink to intoxication in his or her tavern.

§ 3. The jurisdiction of the police judge or court of the town of Bowling-Green shall extend over and embrace all misdemeanors committed in said town; and said judge and court shall have the same power to punish those convicted of any such offense as the circuit courts of this Commonwealth now have, in addition to the power herein conferred. The board of trustees of said town shall have full power to make and pass all needful ordinances and by-laws not inconsistent with the laws and constitution of this State and of the United States, prescribing the punishment of misdemeanors committed in said town; said board of trustees shall have full power to make and pass all ordinances and by-laws for carrying into effect every power granted to them by the charter of said town, or by this act, and to appoint subordinate agents and officers—such as police officers, overseers of the work-house, market-masters, weighers, &c., to execute any duties which may be assigned them, and to require bond and security from

any such officer for the faithful performance of the duties of his office.

1861.

§ 4. Whenever any election provided for in the charter of said town, or the amendments thereto, shall for any cause not take place at the time appointed, the chairman and board of trustees of said town shall have power to order such election to be held at such time and place as they may deem fit, of which they shall give twenty days previous notice in the newspapers printed in said town; and those officers of the town who may have been in office when the regular election ought to have taken place, shall, when such election does not take place, continue in office until their successors are duly elected and qualified.

§ 5. That hereafter any person who may be fined by the police court of said town, and shall refuse or fail to pay such fine, such person may, by the judgment of said court, be put to work upon the streets or alleys, or any public improvement of said town, until the labor of the person so fined, at the rate or price now fixed by the charter of said town, shall entitle such person to a discharge according to the existing law.

§ 6. It shall be the duty of the marshal of said town to direct and oversee the person put to work, as provided for in the preceding section, for which service the marshal shall receive such compensation as may be allowed him by the board of trustees; or said marshal, with the advice and consent of the chairman of the board of trustees, may hire such person to any one who has contracted to do work for the town.

§ 7. This act shall take effect from and after its passage.

Approved May 13, 1861.

CHAPTER 4.

AN ACT to amend the charter of the Newcastle and Carrollton turnpike road company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Newcastle and Carrollton turnpike road company," be, and is hereby, so amended as to allow the directors of said company to erect a toll-gate on that portion of the road now completed nearest to Carrollton, and to charge tolls authorized by the general laws of this Commonwealth, ratably to the distance completed: *Provided*, That the net proceeds shall be expended in the completion of said road.

§ 2. This act shall take effect from and after its passage, and continue in force for five years.

Approved May 13, 1861.

1861.

CHAPTER 5.

AN ACT for the benefit of the Kentucky Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fifth article of the constitution of the Kentucky Agricultural and Mechanical Association be so amended that the annual meeting of said society be hereafter held on the second Saturday in May, instead of the first Saturday in May.

§ 2. This act shall take effect from its passage.

Approved May 13, 1861.

CHAPTER 7.

AN ACT appointing trustees for Moscow Seminary, in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph Nennet, D. P. Johns, and S. K. Caldwell, be, and they are hereby, constituted trustees for Moscow Seminary, located in Hickman county, Kentucky; to hold said office until the next regular election for trustees.

§ 2. This act to take effect from its passage.

Approved May 15, 1861.

CHAPTER 8.

AN ACT to change the voting place of Moreland precinct, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place of Moreland precinct, in Bourbon county, is hereby changed from Moreland to Hutchison's station.

§ 2. This act to take effect from its passage.

Approved May 15, 1861.

CHAPTER 9.

AN ACT to change the line between the Wyoming and Bethel precincts, in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the Wyoming and Bethel precincts, in Bath county, be, and it is so changed, as to

include within the Bethel precinct the residences and farms of Mrs. Wilson, Allen Brumagin, Thomas Moore, George Moore, Samuel Rogers, and Alexander Donaldson.

1861.

§ 2. This act shall take effect from and after its passage.

Approved May 15, 1861.

CHAPTER 10.

AN ACT to amend the charter of the Knob Lick turnpike road company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the stockholders (with their hands) belonging to said company, and living within one mile of said road, shall hereafter be subject to work on the repairs of said road, and be exempt from working on all other roads.

§ 2. That the president of said company shall have power to call upon said stockholders, at any time when he thinks fit to do so, to work on the repairs of said road, first giving them at least three days' notice: *Provided, however,* That he shall not require the hands to work on said road more than four days in any one year.

§ 3. If any stockholder in said company, living within one mile of said road, when notified by the president of said company, shall fail or refuse to attend with the hands belonging to them, prepared with suitable tools to work said road, they shall be liable to the same penalty that is now allowed by law for failure to work on county roads, and recoverable in the same way; and any fines so recovered shall be applied to the use of said road.

§ 4. This act to take effect from and after its passage.

Approved May 15, 1861.

CHAPTER 11.

AN ACT to incorporate the town of Maxville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Maxville, in the county of Washington, as laid off in the original plat of said town, shall be extended and bounded as follows: Beginning at the first toll-gate on the land of John Bosley; thence up Long Lick to the mouth of the G. H. Schooling's branch; thence up said branch so as to include the dwelling of said Schooling; thence east to a stone so as to include the dwelling of Henry Isham; thence a straight line to the toll-gate on the Maxville and Willisburg road; thence with a line so as to include the dwelling of Thomas H.

1861. Flournoy, to the beginning, is hereby declared the town of Maxville, and inhabitants thereof, by and in the name of the board of trustees of the town of Maxville, shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and do and perform all such other acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully do and perform.

§ 2. That the prudential and fiscal affairs of said town of Maxville shall be vested in five trustees, who shall be elected on the first Saturday in June, 1861; and after the year 1861, the election for trustees shall be held on the same day and month in each and every year, at such place as the board of trustees may direct, by the free white male citizens of said town over the age of twenty-one years, who shall have been *bona fide* residents in said town at least sixty days next preceding the election, and entitled to a vote in the county according to the constitution of Kentucky: *Provided*, That the first election to be held in 1861 under this act, shall be held by any two justices of the said town, district, or county, and clerk whom they may appoint; and all other elections, after the year 1861, shall be held by such persons as shall be selected by the board of trustees of said town.

§ 3. That there is hereby incorporated into and made a part of this act, as fully, and same force, as if each section was herein fully written out as a part of this act, all of an act, entitled "An act to amend and reduce into one the several acts concerning the town of Ghent," passed and approved March the 4th, 1856, after the first and second sections, by changing the word Ghent to Maxville, and Carroll to Washington, and omitting or changing the word wharves, and such others as will make the adoption of the sections here referred to applicable to this act.

§ 4. *Provided further*, That the question be submitted at the first election held under this act, and to be voted on by those who are qualified by this act to vote, whether or not they accept this act; and unless a majority of all the legal voters entitled to a vote go for it, this act shall be null and void: *Provided further*, If the act should be adopted, then any one or more of the owners of the land on which the boundary is extended, shall have thirty days after the election to make his objection of extension on his land to the board of trustees elected, and make any compromise that the parties may agree on; and if none is agreed on, then the boundary shall be confined to the original line, so far as the party objecting is concerned.

§ 5. This act to take effect from its passage.

Approved May 15, 1861

CHAPTER 12.

1861.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after the first day of June, 1861, no note, bond, certificate, or other evidence of indebtedness by the city of Louisville, shall be issued to any person for any sum less than one hundred, nor more than one thousand dollars; nor shall any warrant for the payment of money be issued to the treasurer, unless, at the time of such issue, there shall be funds in the treasury applicable thereto, sufficient to pay the same, and all other warrants then outstanding; all acts and parts of acts in conflict herewith are hereby repealed.

§ 2. That so much of section eleven, article six, of the charter of said city, as requires the ordinances therein provided for to be voted upon sixty days after the first publication thereof, be, and the same is hereby, repealed; and it is hereby provided that such vote shall be upon a day not less than ten, nor more than thirty days after the first publication of said ordinance.

§ 3. That so much of section twelve, of article six, of said charter, as limits the power of the general council to levy a tax as therein specified, to the amount of seventy-five cents on each one hundred dollars worth of property, is hereby repealed; and the general council is hereby empowered, according to the provisions of said section, and in the mode therein specified, to levy a tax to any amount not exceeding one dollar on each one hundred dollars' worth of property named in said ordinance.

§ 4. This act to take effect from and after its passage.

Approved May 15, 1861.

CHAPTER 13.

AN ACT to amend an act for the benefit of Dickey & Thomas, of Edmonson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 855 of Session Acts of 1859-60, entitled, "An act for the benefit of Dickey & Thomas, of Edmonson county," be so amended as to allow the mill-dam of said firm to remain across Nolynn as it now is, even if it exceeds six feet in height.

§ 2. This act to take effect from its passage.

Approved May 16, 1861.

1861.

CHAPTER 14.

AN ACT to incorporate and establish the town of Lewisburg, in Mason county

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Mason county, upon the written application of a majority of the holders of real estate in the village of Lewisburg, in Mason county, shall have power and authority to fix the metes and bounds thereof, the quantity of land therein, lay the same off into streets, alleys, lots, and squares, and to cause a plan or map thereof to be made and recorded.

§ 2. The town thus laid off shall be, and the same is hereby, established and incorporated by the name of the "town of Lewisburg."

§ 3. The said town shall have the same number of trustees, who shall be elected at the same time in the same manner, and shall have the same powers and authority prescribed by chapter 100, title "Towns," of the Revised Statutes, and the amendments thereto: *Provided, however,* That the first election of trustees may be held at such time and place, in such manner, and by such commissioner or person or persons, as may be designated by the Mason county court.

§ 4. The office of police judge and town marshal for said town is hereby created. The police judge and town marshal shall be elected at the same time and manner, for the same term, have the same powers and jurisdiction, and discharge the same duties prescribed by the general laws of this Commonwealth in relation to police judges and town marshals.

§ 5. In addition to powers of taxation conferred by the general laws of this Commonwealth upon trustees of towns, the trustees of the said town of Lewisburg shall have power to impose a poll-tax, for the use of the town, upon such inhabitants of said town as are required to pay county levies to the county.

6. This act shall take effect from and after its passage.

Approved May 16, 1861

CHAPTER 15.

AN ACT to change the place of voting in the 9th election district, in Witley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in the 9th election district

in Whitley county, shall hereafter be at Berry's store, in said district. 1861.

§ 2. This act shall take effect from its passage.

Approved May 16, 1861.

CHAPTER 16.

AN ACT to change the lines of a voting precinct in Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the lines of the Mount Sterling precinct, in Montgomery county, be so changed as to include the residences of William Ragan, Mrs. John L. Williams, Marcus Everett, Dillard Hazelrigg, and Jerry Wilson.

§ 2. This act to take effect from its passage.

Approved May 16, 1861.

CHAPTER 17.

AN ACT to amend the charter of the Stanford and Hall's Gap turnpike road company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Stanford and Hall's Gap charter be so amended as to exempt one hand from working on all county roads for every one hundred dollars of stock subscribed and paid to the directors of said road.

§ 2. The hands exempted from working on county roads, as herein provided, shall be compelled to work on the Stanford and Hall's Gap turnpike road, under the control and management of the president and directors, who shall have the same remedy to compel hands of stockholders to work on said road that surveyors of county roads have under existing laws; and the fines, for failure of hands to work on said turnpike, shall be collected and paid to the president and directors thereof, for the use and benefit of said company, and shall be appropriated to keep the same in repair.

§ 3. The provisions of this act shall only apply to subscribers living within one mile of said turnpike road; and the hands of stockholders, so exempt, shall not be required to work more than ten days on said road in one year, but shall be required to work at least five days in each year.

§ 4. This act shall take effect from its passage.

Approved May 16, 1861.

1861.

CHAPTER 18.

AN ACT to amend the charter of the Louisville and Nashville railroad company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Louisville and Nashville railroad company is authorized to withdraw, by purchase, fractional shares of stock, and of interest scrip, and to sell fractions to make full shares, and is also authorized to increase the capital stock of said company to an amount sufficient to represent the full cost of the road and branches in stock; also to liquidate any of the mortgage and other debts of the company, by the issue of preferred stock, entitling the holders to dividends, at the rate of four per cent., half yearly, on such stock.

§ 2. This act to be in force when accepted by the stockholders at any regular or called meeting.

Approved May 16, 1861.

CHAPTER 19.

AN ACT for the benefit of R. T. Benton, late sheriff of Estill county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all further proceedings against R. T. Benton, late sheriff of Estill county, and his securities, for the revenue in arrears for the year 1858, as soon as the written consent of his sureties therefor shall be made in writing, attested by two witnesses, and filed in the office of the clerk of the Franklin circuit court, shall be suspended until the fifteenth day of July next.

§ 2. In the event that one thousand dollars shall be paid on said arrears of revenue, on or before the fifteenth day of July next, then proceedings for the collection of the residue of said arrearage of revenue are suspended until the first day of October next.

§ 3. The written consent of the sureties must show that they consent to the indulgence given in section two as well as section one of this act; and nothing in this act shall operate to discharge or release said sureties, or any of them, from their liability for the payment of said revenue, or any part of it, until it is paid; and the said Benton and his sureties must pay the costs consequent upon the indulgence given by this act.

§ 4. This act to take effect from its passage.

Approved May 17, 1861.

CHAPTER 20.

1861.

AN ACT to amend the charter of the Merchants' Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of said bank may (a majority of the stockholders consenting in writing) retire the balance of the stock that stands unpaid of such stockholders as may desire it: *Provided*, They have, or will, pay as much as thirty-four per centum, on the original amount subscribed by them, and issue certificates for the same; and the said president and directors hereafter may re-issue the same, or any part of said retired stock, and issue certificates therefor as originally contemplated by the charter.

§ 2. This act to take effect from and after its passage.

Approved May 17, 1861.

CHAPTER 21.

AN ACT to amend the charter of the Hardinsburg and Cloverport turnpike road company.

WHEREAS, Under an act of incorporation passed by the Kentucky Legislature at its December session, 1860, a company was organized to build a turnpike road from Hardinsburg to Cloverport, under which act and the amendment thereto passed at a subsequent session of the Legislature, said road has been partly built; but from the embarrassed condition of the finances of the country, it may not be in the power of said company to finish the road at the present time; and whereas, half tolls on said road, when the grade, drainage, and bridges shall have been completed, will not only enable the company to keep up the road and prevent the work already done from being destroyed, but it will make the road useful and highly beneficial to the public until such time as the state of the country will enable the company to complete it; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the grade, drainage, and bridges on the Hardinsburg and Cloverport turnpike road shall have been completed and put in traveling condition, the company aforesaid shall be, and they are hereby, authorized to charge and collect half the amount of toll as provided in the original charter, and to that end may erect such toll-gates as they may deem advisable.

§ 2. That to enable the company to carry into effect the provisions of this act, it shall have power to sue and be sued, plead and be impleaded, and exercise and enjoy

1861. under this act all the rights, privileges, and emoluments which it held, or which the company had granted to it under the original and amended charter.

§ 3. This act shall take effect from and after its passage.

Approved May 18, 1861.

CHAPTER 22.

AN ACT to amend the charter of the Muldrough's Hill, Campbellsville, and Columbia turnpike road company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the president, directors, and company of the Muldrough's Hill, Campbellsville, and Columbia turnpike road company, shall have power to remove the toll gate now located on the south of the town of Campbellsville, in Taylor county, to George W. Redman's tan-yard, near the town aforesaid.

Approved May 18, 1861.

CHAPTER 23.

AN ACT authorizing the establishment of a work-house in Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, the mayor and board of council of the city of Frankfort shall be, and they are hereby, vested with full authority, with the consent of the county court of Franklin county, to establish and use the jail of said county, and the grounds attached thereto, as a work-house, or to purchase ground and build one of their own in said city or convenient thereto; and they shall have full power and authority to provide for the employment of all persons sentenced to said jail or work-house under the ordinances of said city, at the rate of two dollars per day in discharge of the fines and costs, including the jail fees for their confinement, adjudged against any such persons so confined in said jail or work-house, until said fine and costs are fully paid, and also until they have worked out the number of days for which they may have been committed, in addition to the fine and costs.

§ 2. The mayor and board of council of said city shall be, and are hereby, vested with authority, at their option, to employ such persons as are mentioned in the first section of this act, to work on the streets and alleys of said

city, or in quarrying and breaking stone, or in doing any other work. 1861.

§ 3. In all cases coming under this act, the mayor and board of council of said city shall pay to the city attorney, city marshal, police judge, and other officers, their costs and fees.

§ 4. All laws in conflict with this act are hereby repealed; and this act shall take effect from and after its passage.

Approved May 20, 1861.

CHAPTER 24.

AN ACT to amend the charter of the town of Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to amend the charter of the town of Danville," and approved the 4th of April, 1861, as prohibits the board of trustees of said town from levying a tax on each one hundred dollars' worth of property, not exceeding twenty cents, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved May 18, 1861.

CHAPTER 25.

AN ACT to amend the charter of the Southern College of Kentucky.

WHEREAS, The Southern College of Kentucky is now under the control and management of the Methodist Episcopal Church South, or the Louisville Conference of said church, and it is desirable to raise an educational fund for the benefit of said college, its professors, teachers, and students, and for such other purposes connected with said college as will promote the interest of literature and science, morality and religion; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Rev. Edward Stevenson, Rev. Nathaniel H. Lee, Rev. Thomas J. Moore, Rev. Zachariah M. Taylor, Rev. Geo. W. Brush, Rev. Richard Deering, Henry Grider, Warren L. Underwood, Thomas B. Wright, James Hines, Wm. Kendrick, and Presley Megner, and their successors in office, be, and they are hereby, constituted a body politic and corporate, by the name and style of "The Board of Education of the Louisville Conference," with the right and power of exercising all and singular the privi-

1861. leges incident, and capacities of corporations aggregate; to sue and be sued, implead and be impleaded, grant or receive, contract or be contracted with, and to do and perform all such acts and things as shall be necessary and proper to execute the objects of this act.

§ 2. The corporation hereby created shall have power to receive donations by gift, grant, devise, or bequest of real and personal estate, of money and choses in action, and to purchase and hold such estate, and to receive conveyances for the same; which real and personal estate, money, and choses in action, shall constitute the educational fund of the corporation; to have and use a common seal, and to change and alter the same at pleasure; to appoint an executive committee or committees of its body, or of other persons, to execute such powers in fulfillment of the objects of this charter as may be conferred upon them by the board of education; and to make all necessary by-laws and ordinances for the government of the corporation and management of its affairs as may be necessary and proper not inconsistent with the Constitution and laws of this State and of the United States.

§ 3. The persons before named, and their successors, shall constitute the board of education, and their successors shall be elected and chosen by the Louisville Conference of the Methodist Episcopal Church South, at its annual session, in the following manner, to-wit: The board shall be divided into three sections, each to be composed of an equal number of ministers and laymen. One section shall go out of office at each annual session of said conference. The order in which the sections of the present board shall be restored or go out of office shall be determined by lot. Each section shall continue in office until their successors are duly elected. The said conference may, at their pleasure, change the number of the board, but there shall never be less than twelve nor more than eighteen. A majority of the board shall constitute a quorum to do business: *Provided*, That such notice of the time and place of meeting for the transaction of business shall be given as the board by its ordinances may direct. In case of a vacancy in the board from any cause the same may be filled by the remaining members of the board. The first meeting of the board shall be held at such time and place as the said Louisville conference, at its next annual meeting, shall direct; and the subsequent meetings of the board shall be held as the board may prescribe by its own ordinances.

§ 4. The board of education shall manage, use, and employ the educational fund according to the directions and wishes of the donor or deviser, where any directions are given to the extent of the fund derived from any such

donor or deviser; and where no such directions are given, then the board of education shall only use and apply the educational fund to such purposes as in their judgment will best promote the object of this act: *Provided, however,* That the board of education shall use and apply the interest and profits of the fund without diminishing the principal of said fund. The said board of education shall, however, possess and have the power to sell and convey any property owned by this corporation, except such as may have been directed by the donor or deviser to be retained and used in a particular manner, upon such terms as they may deem advisable, and to re-invest the proceeds in the purchase of such other property, or stock, or bonds, as in their discretion and judgment shall be most advantageous to the fund.

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§ 5. The property, and money, and choses in action held by this corporation shall not exceed in value the sum of five hundred thousand dollars, unless by the increase in the value of the property after its acquisition it shall exceed that sum; all such property, money, and choses in action so held shall be exempt from taxation, whether the same be for State, county, or corporation purposes.

§ 6. The board of education shall report their acts and proceedings every year to the said Louisville conference, and exhibit in their annual report the amount and description of the property and funds owned by the corporation, the profits and interest thereon, and the objects to which any money may have been applied in the course of the year, and any other matters which they may deem of interest to the corporation.

§ 7. This act shall take effect from and after its passage.

Approved May 18, 1861.

CHAPTER 26.

AN ACT for the benefit of William P. Conner, of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William P. Conner, sheriff of Bath, be, and he is hereby, allowed further time until the 1st day of August, 1861, to return his delinquent and Auditor's lists for 1860.

§ 2. This act shall take effect from its passage.

Approved May 18, 1861.

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CHAPTER 27.

AN ACT to incorporate the Frankfort Fire, Marine, and Life Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John L. Scott, S. I. M. Major, J. M. Mills, J. L. Phythian, and their associates, assigns, and successors, are hereby constituted a body politic and corporate, under the name and style of "The Frankfort Fire, Marine, and Life Insurance Company," and by that name may have and use a common seal, and alter the same at pleasure; may sue and be sued, plead and be impleaded in all the courts in this Commonwealth, contract and be contracted with, purchase, hold, and convey such real and personal estate, notes, bonds, and securities in this State, or elsewhere, as they may think proper; and this corporation shall continue with the powers herein granted to it until the first day of January, 1900.

§ 2. This corporation shall have full power to take risks and issue policies of insurance against loss by fire, or water, on real and personal estate of all kinds within the State of Kentucky, or elsewhere, or on any of the rivers, lakes, seas, bays, or oceans in or adjacent to any of the United States of America, at such rates as the company may think proper: *Provided*, That no one policy shall cover more than ten thousand dollars of property, or run for a longer term than ten years. The company may also issue policies of insurance on the lives of persons and animals, upon such terms and for such time as they may think proper.

§ 3. This company may issue and sell, or dispose of, capital stock in the same to the amount of one million of dollars, the shares to be one hundred dollars each; and no person shall be an officer or director in said company who does not own at least ten shares of the stock at the time of his election or appointment; but this provision shall not apply to the officers first elected after the passage of this bill. The stock shall be issued in such form and in such amounts as the company may think proper, and may be sold and disposed of by the original corporators herein named, or by their successors or assigns, at such prices and upon such securities as the company, or the holders of the stock, may deem proper. The proceeds arising from the sales of the stock shall belong to the company, and shall be sacredly held and set apart by the company for the payment of all losses and expenses which may occur to the company; and all the profits which the company may make, after paying such losses and expenses, shall be divided among the stockholders in proportion to the amount of stock held by each; but no policy of insurance shall be

issued by the company under the provisions of this section until the company shall procure from the sales of stock, or otherwise, a capital, either in cash or approved securities, or valuable property, to the amount of at least fifty thousand dollars; and the same shall be so certified by the Governor of Kentucky; immediately after which the company may establish agencies and issue policies not inconsistent with the provisions of the foregoing sections.

1861.

§ 4. This company shall have full power to effect insurances and issue policies against loss or damage by fire or water, as well as upon the lives of persons and animals, upon what is known as the mutual plan of insurance, which shall be in substance as follows: Every person who shall effect an insurance in this company, under the provisions of this section, shall be considered bound by the provisions hereof; before receiving his policy, he shall pay to the company, in cash, a sum not exceeding one fifth of one per cent. on the amount insured, which shall be set apart for the payment of the expenses of the company, and the remainder shall be set apart to assist in paying losses; at the same time he shall execute to the company his promissory note for a sum to be agreed upon between him and the company, which shall be the premium charged by the company. These premium notes shall be deposited with the company, and shall be liable to assessment by the company to any amount not exceeding the amount of the note, to pay any loss which the company may sustain, and to make good to any person insured in this company the loss which he may sustain, and for which the company is bound; but no such person shall ever be liable for more than the amount of his premium note by reason of any loss which may occur; and no person shall be liable to the company on his premium note for any loss which did not occur before his policy expired. Any person who shall fail or refuse to pay upon his premium note the amount of his assessment for thirty days after notice thereof shall be published in some newspaper in Frankfort, shall forfeit and pay to the company a sum equal to one half of his premium note, for both of which amounts the company shall have a lien upon his real and personal estate, and which amounts may be recovered by the company at any time after the thirty days' notice above mentioned, in any court of competent jurisdiction. All losses shall be paid by the company within ninety days after they shall be satisfactorily proved and presented for payment.

§ 5. No policy shall be issued under the fourth section upon the mutual plan until the Governor of Kentucky shall certify that application has been made to the company for insurance upon at least fifty thousand dollars' worth of property, immediately after which the company may

1861. establish agencies and issue policies throughout the State and elsewhere.

§ 6. All persons holding unexpired mutual policies in this company, or owning stock therein, shall be entitled to vote for officers; each policy shall be entitled to cast one vote, and each share of stock one vote; persons who cannot be present, may authorize other persons entitled to vote, in writing, to cast their votes as proxy; and in all cases a majority of the votes actually cast shall elect the officers.

§ 7. The officers shall be as follows: One President, one Vice President, one Secretary, one Treasurer, and a Board of Directors, not exceeding nine, a majority of whom shall reside in Frankfort. The officers shall constitute a part of the board, all of whom shall hold their offices for three years, or until their successors shall be qualified, and shall receive such compensation for their services, and perform such duties as the board may prescribe; and the company shall make such by-laws, rules and regulations, as they may deem proper, not inconsistent with this act or the Constitution of this State or of the United States.

§ 8. The capital stock in this company shall be held as personal estate, and may be transferred by assignment, which assignment must be noted on the books of the company; but no holder of stock shall, in consequence thereof, be held liable for any of the debts or obligations of the company; the proceeds arising from the sale of the stock, and the premium paid, and the premium notes given by persons who insure in and take out policies from the Company, shall alone be liable for all losses, debts, and obligations of the company.

§ 9. The corporators named herein, and such others as they may select, and who have the requisite qualifications, not exceeding nine in all, are authorized to meet in the city of Frankfort immediately after the passage of this act, or at any subsequent time during the continuance of this charter, and organize the company by the election of officers; and immediately after the election of such officers, they are authorized to issue the stock of the company, and dispose of the same in the manner hereinbefore stated, in order to provide a permanent capital for the company, which capital shall be held by the company, and accounted for by the Treasurer upon his official bond. The business of the company shall be under the management of the board of directors, who shall have power to create other officers and agents of the company if they think proper to do so.

§ 10. The policies issued by this company may contain such covenants and conditions as the company may prescribe, not inconsistent with the provisions hereof, or with the constitution and laws of the land.

§ 11. This act shall take effect from and after its passage, 1861.

Approved May 18, 1861.

CHAPTER 28.

AN ACT in relation to the town of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the 26th section of an act, entitled "An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes," approved February 16, 1839, as has been repealed by any subsequent act or acts of the General Assembly of this Commonwealth, shall be, and the same is hereby, re-enacted; and all subsequent acts repealing the same are hereby repealed.

§ 2. This act shall take effect from its passage.

Approved May 21, 1861.

CHAPTER 29.

AN ACT changing the place of voting in Henderson's precinct, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the place of voting in the Henderson's election precinct, in Lewis county, shall be at the Poplar Flat school-house, in said district, instead of the place now fixed: *Provided*, That the place fixed by this act may be changed in the manner prescribed by law.

§ 2. This act shall take effect from and after its passage.

Approved May 21, 1861.

CHAPTER 30.

AN ACT for the benefit of A. P. Lacy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the records and papers heretofore belonging to the office of J. H. Johnson, a justice of the peace for Morgan county, be placed in the custody of A. P. Lacy, justice of the peace for Wolfe county.

§ 2. This act to take effect from its passage.

Approved May 21, 1861.

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CHAPTER 31.

AN ACT for the benefit of George Higginson, late a constable of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Higginson, late constable of Union county, be, and he is hereby, allowed two years from the passage of this act, to collect all fee bills, dues, and demands placed in his hands for collection before the expiration of his term of office, and may distrain for the same.

§ 2. This act to be in force from its passage.

Approved May 22, 1861.

CHAPTER 32.

AN ACT to change the line between the 1st and 2d voting precincts in Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the 1st and 2d voting precincts in Knox county be, and is hereby, so changed as to include the farm on which James Owens now lives, in the 2d district, and the qualified voters living on said farm shall hereafter be allowed to vote in the 2d district.

§ 2. This act to take effect from its passage.

Approved May 22, 1861.

CHAPTER 33.

AN ACT to amend the charter of the Sayre Female Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That David A. Sayre shall have power, by his last will, or by deed acknowledged and recorded in the Fayette county court clerk's office, to confer on any person all the powers of appointing trustees of the Sayre Female Institute which are conferred on said David A. Sayre by the fifth section of the act, entitled "An act to incorporate the Sayre Female Institute, in the city of Lexington," approved March 10, 1856, to be exercised by the person so designated after the death of said Sayre, during the life of such person, unless otherwise provided in the deed or will.

Approved May 22, 1861

CHAPTER 34.

1861.

AN ACT to extend the town limits of Mount Vernon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the limits of the town of Mount Vernon, in Rockcastle county, be so extended as to include the residence of John Provice within the limits of said town.

§ 2. This act to be in force from its passage.

Approved May 22, 1861.

CHAPTER 35.

AN ACT to prevent the destruction of fish in the waters of Dix river and Hanging Fork.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any person or persons, by means of any seine, drag-net, trap, or similar contrivance, to take or catch fish of any kind in the waters of Dix river and the Hanging Fork of Dix river, within the boundaries of Lincoln, Boyle, and Garrard counties.

§ 2. Any person offending against the provisions of this act shall be fined any sum not less than ten and not exceeding fifty dollars, in the discretion of a jury, recoverable by warrant before a justice of the peace or county judge, or upon indictment or presentment by a grand jury in the circuit court of the county within which the offense shall be committed.

§ 3. Any person convicted under this act shall stand committed to the county jail until the fine and costs are actually paid or satisfied by imprisonment at the rate of one day for each two dollars of the fine imposed.

§ 4. This act shall take effect from its passage.

Approved May 22, 1861.

CHAPTER 36.

AN ACT establishing an additional precinct in Crittenden county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established an additional precinct in the county of Crittenden, embraced in the following boundary, to-wit: beginning on the Ohio river, at Richard McConnell's house; thence a straight line to Levi Taylor's farm, on Camp creek; thence with the Flin ferry

1861. road to the farm formerly owned by General Joseph Hughes; thence a straight line to Sandy Deane's; thence a straight line to the Sulphur Springs; thence down Hurricane creek to the Ohio river; thence up said river to the beginning; and all elections in said precinct for Federal, State, or county officers, shall be held at Bell city, at Levi Yakey's warehouse.

§ 2. That the same shall be known by the name of the Bell city precinct, and be entitled to two justices of the peace and one constable, who shall be elected and commissioned at the time and manner prescribed by the laws and Constitution of this Commonwealth.

§ 3. When said justices are elected and qualified, it shall be the duty of the Secretary of State to furnish each of them with the books that a justice of the peace is entitled to receive from the State.

§ 4. This act shall be in force from its passage.

Approved May 22, 1861.

CHAPTER 37.

AN ACT for the benefit of Sarah A. Walker.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sarah A. Walker is hereby made capable, in law, of making contracts and of acquiring and holding property, real or personal, free from the control of her husband, Green Walker, and in the same manner as if she were a *jeme sole*; and she may dispose of any property that she may acquire by gift, purchase, or otherwise.

§ 2. This act shall take effect from its passage.

Approved May 22, 1861.

CHAPTER 41.

AN ACT to change the county line between Laurel and Rockcastle counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between Laurel and Rockcastle counties be so changed as to include the farm and residence of William J. Branson in Laurel county.

§ 2. This act to be in force from its passage.

Approved May 24, 1861.

CHAPTER 42.

1861.

AN ACT to aid in the construction of the Lexington and Southern Kentucky railroad company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of any county through which the Lexington and Southern Kentucky railroad may be located, in the direction of the Tennessee line from Danville, to make a subscription of stock in said railroad company, when authorized by the people of such county, in the same manner, and subject to the same limitations, as are provided in regard to the county of Mercer, in the 25th, 26th, 27th, and 28th sections of an act, entitled "An act to incorporate the Lexington and Southern Kentucky railroad company," approved March 2d, 1860.

§ 2. This act to be in force from its passage.

Approved May 24, 1861.

CHAPTER 43.

AN ACT to amend the charter of the Lexington and Southern Kentucky railroad company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all subscriptions of stock in the Lexington and Southern Kentucky railroad company by counties, cities, corporations, or individuals, shall be at the rate of twenty-five thousand dollars per lineal mile, as provided in the 4th section of the charter of said company, approved March 2d, 1860; and so much of the said original charter as conflicts with this act is hereby repealed.

§ 2. This act to be in force from its passage.

Approved May 24, 1861.

CHAPTER 44.

AN ACT to incorporate the Galen's Head Dispensary, in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the principal, Dr. T. Williams, present officers and members of the Galen's Head Dispensary, in the city of Louisville, State of Kentucky, and their successors, be, and they are hereby, created a body politic and corporate, under the name of the "Galen's Head Dispensary of Louisville;" and by that name shall have perpetual succession

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and corporate existence, with full power to contract and be contracted with, sue and be sued; to have a corporate seal, and the same to alter or renew at pleasure, and to create and put in execution such by-laws, rules, and regulations for the government of said society, the object of which is to furnish remedies for the cure of all diseases of the urinary and genital organs, and to furnish the poor medical advice and prescriptions without charge. And such by-laws as they may ordain and create shall be binding as to the management of the affairs of said Dispensary, as may be deemed expedient and proper: *Provided*, The same are not inconsistent with the laws of this State and the United States.

§ 2. Said society is hereby authorized and empowered to acquire and hold by purchase, devise, gift, grant, or otherwise, real estate to the value of not more than twenty-five thousand dollars, and personal property to the value of not more than fifteen thousand dollars; and the principal and officers may, from time to time, employ a treasurer, and such other officers and agents as they may deem necessary, and require bonds from the same for the performance of their respective duties, which shall be binding in law; and all money which the said corporation may acquire by subscription, gift, grant, devise, or donation, shall be faithfully applied, so as to carry out the intention and object set forth in section one hereof.

§ 3. The qualification for regular membership in future shall be in accordance with such constitution and by-laws as said society or corporation may require—to be altered, enlarged, or restricted annually, from time to time, as a majority of the members of said society or corporation may consider necessary.

§ 4. The General Assembly reserves the right to alter, amend, or repeal this act at any time hereafter: *Provided*, No vested right be thereby impaired.

Approved May 24, 1861.

CHAPTER 45.

AN ACT to incorporate the town of Gordonsville, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Gordonsville, in the county of Logan, be, and the same is hereby, incorporated according to the following boundary, viz: Commencing at a post oak on the Rush's Mill road, on the hill north of Gordonsville, corner to the land of R. T. Young and F. M. Hancock, running thence in a southwesterly direction to Gabriel

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Utley's, excluding him; thence southeast to B. W. Bevier's, including him; thence about east to John T. Smith's, including him; thence in a straight line to old Bee-lick meeting house, including it; thence to where the branch or creek crosses the Buena Vista road; thence in a westerly direction to another corner of R. T. Young and F. M. Hancock; thence with their line to the beginning.

§ 2. That on the second Saturday in April, in each year, there shall be elected, by the qualified voters resident in said town, five trustees in said town, who shall, before they enter upon the discharge of their duties, take an oath, before some justice of the peace of said county, that they will faithfully and impartially discharge the duties of the office aforesaid; that said trustees and their successors shall be a body politic and corporate, and shall be known as the "Board of Trustees of the town Gordonsville;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts in this Commonwealth.

§ 3. That said trustees shall elect one of their number as chairman, who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary. The regular meetings of said board of trustees shall be held on the second Saturday in each month; but all business transacted at a called meeting shall be as valid as though transacted at a regular meeting.

§ 4. That said board of trustees shall have power over the streets, alleys, and sidewalks, and may direct the improvement of the same in such manner as they may deem most beneficial to said town. . They shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth. They shall have power to levy and collect a tax upon the property and tithes in said town not exceeding twenty cents on each one hundred dollars worth of property, and not exceeding one dollar and fifty cents on each tithe in said town, to be applied to the improvement of the streets, alleys, sidewalks, or other improvements necessary therein. They shall have power to purchase any lot or piece of ground for the use of said town necessary to straighten and extend the streets therein; to tax auction sales, shows, and other public exhibitions, such sums as they in their by-laws may fix. They shall have power to suppress tippling-houses and gaming; to fine all those who may violate their by-laws in relation thereto any sum not exceeding thirty dollars for each offense, to be recovered before either of the justices of the peace residing in the Gordonsville district. It shall be the duty of said board of trustees to appoint a treas-

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urer, clerk, and such other officers as they may deem necessary, and to take bond, security, &c.; and for a violation of duty on the part of any such officers, motions may be made, or suits brought, before any tribunal having jurisdiction thereof; and a majority of said board of trustees may, for proper cause, remove any officer, and appoint others in his or their stead; that it shall be the duty of said treasurer and clerk to keep a record of all proceedings which properly belong to their respective offices; and it shall be the duty of said treasurer to render an account to said board of trustees of all moneys received and paid out by him, whenever by them required so to do.

§ 5. That no street shall be extended over the land of any person unless such land, sufficient so to extend said streets, shall have been purchased, as provided in section 4th, or unless it shall have been condemned, as provided in chapter 84, section 1, Revised Statutes, in reference to public roads; and the proceedings to extend said street shall be in strict conformity to said chapter.

§ 6. That no money shall be drawn from the treasurer, except by order of the chairman of said board of trustees, made in pursuance of an allowance made by said board.

§ 7. That upon all judgments rendered by said justice of the peace in said Gordonsville district, founded on a violation of the town ordinances or by-laws, either party shall have the right to appeal, in the same manner as parties have from judgments of justices of the peace, now by law.

§ 8. The constable, resident in the Gordonsville district, shall serve all process and precepts to him directed by either of the justices of the peace resident in said district, and collect all executions and other demands which may be put in his hands, issued in accordance with the ordinances and by-laws of said town, and account for and pay over all moneys collected on behalf of said town to their treasurer; and on failure to discharge any of the duties herein required of him, shall be subject to the same proceedings which may be had against constables in similar cases.

§ 9. Said board of trustees shall fix the compensation of all their officers, except the fees of justices of the peace and the constable in said district, whose fees shall be the same now regulated by law for similar services under the statutes of the State.

§ 10. All fines and forfeitures inflicted and collected under the ordinances and by-laws of said town, shall be paid to the treasurer of said board of trustees for the use and benefit of said town; and all moneys collected by a judgment of a justice of the peace, for any violation of the penal laws committed within the limits of said town, shall, in like manner, be paid over to the treasurer.

§ 11. That all ordinances and by-laws passed by said board of trustees, shall be transcribed, in a fair, legible hand, in a book to be kept for the purpose by the clerk of said board, as well as all the proceedings of said board, which shall be open to inspection to each and every citizen on demand. 1861.

§ 12. The first election of trustees under this act of incorporation shall be holden on the second Saturday in June next, under the supervision of A. D. Kennedy and John T. Smith as judges, who are hereby empowered to appoint a clerk and sheriff to assist in said election. The trustees elected at said election shall hold their office until the first Saturday in April, 1862, or until their successors are elected and qualified.

§ 13. The first board of trustees elected under this act shall provide, prior to each succeeding election, proper officers for holding the same; and if, from any cause, the annual election contemplated by this act of incorporation, for a board of trustees, shall fail to be holden, the board then in office shall make the necessary provisions for holding said election as soon thereafter as may be.

§ 14. That all acts or parts of acts coming within purview of this act, be, and the same are hereby, repealed.

§ 15. This act to take effect from its passage.

Approved May 24, 1861.

CHAPTER 46.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the town of Glasgow."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Glasgow, in addition to the powers heretofore conferred on them by statute, shall have authority to appoint a chief of police and such subordinates for said town, not exceeding twelve in number, (exclusive of the chief,) as they may think proper and necessary for the well-being and safety of said town, and to prescribe, by bye-laws or orders the duty of such police force; they shall provide for their payment, by the levy for the present year of a tax on the property of said town listed for taxation for town purposes not exceeding ten cents on the one hundred dollars, and a poll tax of not exceeding fifty cents on each tithe in said town, which shall be applied to the payment of a police force for said town, and for no other purpose whatever.

§ 2. That said chief of police and his subordinates shall be conservators of the peace within said town, and shall

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have power, without warrants, to make arrests of all persons violating the laws of the Commonwealth or the by-laws of said town, and to commit them to the jail of the county until the next day, if the arrest is made in the night; and the persons so arrested shall be brought before the police judge of said town, to be dealt with according to law. They shall also have power to arrest any suspicious persons, or any persons that they suspect of holding too free intercourse with slaves or tampering with them improperly, or who associate on terms of equality with free negroes, and bring them before said police judge, who may require them to give bond in the sum of not less than fifty dollars, with good security, to be of good behavior for twelve months, and to abstain from the practices aforesaid; and on failure to give such bond, the said judge shall commit such person or persons to the jail of the county for such time as he may direct not exceeding thirty days, or until such bond shall be given; but said judge may, at any time, by written direction to the jailer, discharge said person from custody. Said chief of police and his associates shall have the same power and authority over slaves as are by law conferred upon patrollers appointed by the county courts.

§ 3. That the presiding judge of the Barren county court, at any of his regular or called terms of said court, shall have power to establish a patrol district not exceeding two miles square in every direction from the courthouse, and to appoint as patrollers in said district the same persons that the trustees of said town appoint as policemen, the chief being captain thereof, and to fix their compensation for patrol services, rendered in or out of the limits of said town, not exceeding the amount now allowed by law to patrollers, and to make allowances for the same, which shall be paid out of the county levy laid at the next court of claims: *Provided*, That said county court may, at any time, discontinue the services of such patrols, and such appointment shall supersede the appointment of patrollers heretofore made in said district by said court.

§ 4. That said board of trustees shall have power to pass all necessary by-laws to carry this act into effect, and for regulating said police force, and all by-laws for the regulation of free negroes residing in said town, and to suppress the keeping of disorderly houses, or from giving or selling liquors to any persons, white or black, and authorizing said police to make such searches in their houses for liquor or arms as they may deem proper, and such laws as will prevent idle and dissolute persons, either white or black, from assembling or staying at their houses, and all by-laws that may be necessary for the regulation of the slave population of said town, and to prevent

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slaves from hiring their own time, or from living apart from their owners or masters in separate houses not under the control of their said owners or masters for the time being; and to pass all other by-laws necessary and proper for the good government of said town, and the suppression of vice and immorality therein; and said board of trustees shall have power to prescribe both fine and imprisonment in the county jail for violations of the by-laws of said town; such fine not to exceed fifty dollars, and such imprisonment not to exceed thirty days: *Provided*, That the constitutional right of trial by jury is not in any case to be violated.

§ 5. That said policemen shall take an oath faithfully to discharge their duty before entering upon the same; and said board of trustees shall have power at any time to discharge any or all of them, and to control them in the discharge of their duties.

§ 6. This act shall take effect from its passage, and continue in force twelve months.

Approved May 24, 1861.

CHAPTER 47.

AN ACT to incorporate the town of Hillsborough, in Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Hillsborough, in the county of Fleming, be, and the same is hereby, established and incorporated, with the several streets and alleys and lots, as respectively laid out and numbered, and such as may be hereafter laid out and numbered, and the trustees of said town may extend the present boundaries of said town to the extent of fifty acres; and said addition to be surveyed, and a plot of the streets, alleys, and lots to be recorded in the ordinance book of said town; and T. M. Crain, Fleming P. Robertson, C. Keckley, E. G. Shields, and Silas T. Keith, are appointed trustees of said town from the first day of July, 1861, until their successors are duly elected and qualified on the first Monday in August, 1861; and the same day in each year thereafter, the qualified voters of said town shall meet and elect five trustees for said town, at some place designated by the trustees of said town, and under inspectors who shall be appointed by said trustees, which inspectors shall be qualified voters, and shall, under oath, make returns to the town clerk, who shall lay the same before the trustees, and shall carefully preserve the said returns as records in his office. The trustees shall be the exclusive judges of the qualifications of all officers, candidates, and returns of the inspectors; and if, from any cause,

1861. the officers returned electors shall not be deemed elected or eligible, or an election shall fail from any cause, the trustees may order a new one. All elections shall be determined by a plurality of votes. The term of office of said trustees shall be one year next after their election, or until their successors are duly elected and qualified; and should a vacancy occur, said remaining trustees may fill the same by appointment made by said remaining board of trustees, the appointee to hold his office until the next annual election for trustees. And the said trustees hereby appointed, and those hereafter to be elected, shall, before they enter upon their duties of office, take an oath before some justice, judge, or police judge of said county of Fleming, truly and faithfully to perform the duties enjoined on them by law as trustees. And the inhabitants included in the foregoing boundary, are hereby created a body politic and corporate, with perpetual succession, by the name and style of the trustees of the town of Hillsborough; and in that name may contract and be contracted with, sue and be sued in all courts and places whatsoever, and may have and use a corporate seal, and the same may alter or renew at pleasure.

§ 2. Said trustees shall have power to assess and collect a poll-tax on all the inhabitants and legal tithables of said town, not exceeding one dollar; and to levy and collect an ad valorem tax on all real estate within said town, and whatever now is, or may hereafter be, taxable by the revenue laws of this Commonwealth, found or at the time belonging to the inhabitants of said town, not to exceed twenty-five cents on each one hundred dollars' worth of property, or whatever may be so taxed. Said trustees may, a majority concurring, assess all the property in said town once in each year; and they shall keep in a book for that purpose each and every assessment, which shall be open at the request of any inhabitant for inspection and examination. Said trustees shall have the power to appoint a collector annually to collect the taxes assessed by said trustees in said town, who shall give bond and security to the trustees of said town for the faithful discharge of his duties as collector; and he shall have power, if necessary to collect the same, to coerce the payment of all the taxes assessed by the trustees of said town, by distress and sale of personal property, in the same manner that sheriffs are authorized to do in collecting the county levy; and no personal property shall be exempt from said distress. And said collector shall receive such rates of compensation as may be contracted for.

§ 3. The said trustees shall have power to pass all needful by-laws and ordinances for the due and faithful administration of right and justice in said town, within the juris-

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diction of the police judge hereinafter provided for, and for the better government thereof; they may affix such penalties for a violation of such ordinances, not exceeding twenty-five dollars, as they may deem the good order and welfare of the town may require. And said trustees shall, at their first meeting after each election, elect one of their number as president, who shall preside over the deliberations of said trustees, and keep a record of their proceedings; and sign all ordinances made by said board of trustees.

§ 4. That there shall be elected for said town a police judge and town marshal on the first Monday in August, 1861; and the said marshal shall have the same qualifications and jurisdiction as justices of the peace, and hold his office for the same length of time that county judges do, and be elected at the same time; and all persons in said town who have a right to vote for members of the General Assembly of this State, shall be competent electors for trustees, and said police judge and town marshal. Vacancies in either of said offices of police judge and town marshal, shall be filled as is now required by law when vacancies occur in the offices of justices of the peace and constables. Said judge shall enter upon his duties after receiving from said trustees a certificate of his election: *Provided*, That before he enters upon the duties of his office, take such oath as may be required by the constitution and laws of this Commonwealth of county judges; and said police judge shall have jurisdiction of all cases, criminal as well as penal, which justices of the peace now have or may have by the laws of this Commonwealth, where the offense was committed in said town; and he shall have exclusive jurisdiction of all offenses arising under the by-laws and ordinances of said town; may issue process and enter up judgment, and issue executions according; and for this purpose he shall keep a book in which all judgments and executions shall be regularly recorded. This court, for the trial of all cases other than under the ordinances of said town, shall be governed by the laws which govern justices' court in the district in which said town is situated; and he shall have, in all respects, the same powers and jurisdiction that justices have by the laws of this Commonwealth, and shall be entitled to the same fees for like services, and shall in the same manner be responsible for illegal fee bills made out and collected; and may commit offenders to the jail in Flemingsburg for the same offenses that justices of the peace may. That upon all judgments rendered by said police judge either party shall have the right to appeal in the same manner as parties have from the judgments of justices of the peace in similar cases.

§ 5. That the marshal, before he enters upon the duties

1861. of his office, give bond with good security, and the same penalty as is now by law required to be given by constables; he shall serve all process and precepts to him directed by said police judge or other competent authority, and make due return thereof; and collect and receive all executions and other demands which may be put in his hands to collect, and account and pay over the same to the persons entitled thereto, under the same rules and regulations required by law of constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against constables and their securities in similar cases; said marshal shall be entitled to the same fees for similar services as constables, and be responsible for any and all malfeasance and misfeasance in office as are constables by law in this Commonwealth.

Approved May 24, 1861.

CHAPTER 48.

AN ACT for the benefit of the Union Democrat.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Union Democrat, edited by L. Wallis, at Canton, in Trigg county, be, and the same is hereby, declared a legalized newspaper, in which all advertisements required by law to be published in a newspaper may be advertised.

§ 2. This act shall take effect from its passage.

Approved May 24, 1861.

CHAPTER 50.

AN ACT to create the office of county treasurer for Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county judge for Whitley county, at the first term of the county court for said county, after the passage of this act, to appoint some suitable citizen of said county, county treasurer thereof, who shall give covenant in said court, with approved security, conditioned for the faithful performance of the duties of his office.

§ 2. So soon as said treasurer shall have given bond as herein provided, he shall have power to demand and take possession of the books, papers, and records of the county

treasurer heretofore in office; or, if possession shall be refused, to bring suit in his own name, as county treasurer, for the recovery of said books, papers, bonds, bills, moneys, or evidences of indebtedness to said county, controllable in said office, against any person, for a detention of the same after demanded by the treasurer, in any court having competent jurisdiction of the same; and shall also thereafter have the same right and power to institute suit for the recovery of any moneys or property due said treasury in such courts, or which may hereafter accrue. 1861.

§ 3. He shall keep a record of the business of said office, which shall at all times be open to the inspection of the county judge, or any justice of the peace of said county; and shall be required to make settlement with said county court at such times as the court may require, and to pay over any or all sums of money in his hands, upon the order of said court, and shall be liable upon his bond for any failure so to account and pay over; and shall be subject to removal from office by said county court, at any regular term thereof: *Provided*, A majority of the magistrates of the county be present and acting with said court, (who may be summoned by the county judge for that special purpose,) and a majority of those present and acting concur in such order of removal: *Provided further*, That before the court shall have power to remove, at least ten days' notice of such motion shall have been served upon the treasurer, signed by the presiding judge, or any justice of the peace for Whitley county.

§ 4. The treasurer shall have full possession of all records, books, papers, bonds, moneys, and evidences of indebtedness to said county, pertaining to the road and bridge fund of said county, and shall be governed in reference thereto by the foregoing provisions of this act, and shall receive as compensation for his services required under the provisions of this act, ten per cent. of all funds which may come to his hands for disbursement, to be paid out of said fund.

§ 5. This act shall be in force from its passage.

Approved May 24, 1861.

CHAPTER 51.

AN ACT for the benefit of H. D. Rothrock, late sheriff of Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. D. Rothrock, late sheriff of Muhlenburg county, be allowed the further time till the 1st of August next, to return his Auditor's and delinquent list for the year 1860.

§ 2. This act to take effect from and after its passage.

Approved May 24, 1861.

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CHAPTER 52.

AN ACT to change the place of voting in justices' district No. 7, in Monroe county, and to change the lines of said district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in justices' district No. 7, in Monroe county, be, and the same is hereby, changed to James Quimby's store; and that the lines of said district be changed, commencing on the Barren county line, so as to include James R. Willborn; thence with the Tompkinsville road to the Washington Saban's place, including it; thence a straight line to Francis Uptegrove's, including him; thence a straight line to Reuben Shirley's, including him; thence a straight line to T. J. Shirley's, including his premises; thence a straight line to the line of said district at John W. Howard's.

§ 2. This act to be in force from and after its passage.

Approved May 24, 1861.

CHAPTER 53.

AN ACT changing the boundary of the city of Columbus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the city of Columbus be so altered as to exclude from the limits of said town the farm formerly owned by George King, and now owned by his widow and heirs, the farm owned by Mrs. Hallie Lillard, the farms belonging to Montjoy's heirs, Mrs. Stewart, and Stewart's heirs, and the farm belonging to F. T. Taylor.

§ 2. This act shall not be so construed as to release said lands from the payment of any railroad or city taxes, bonds, or interest on the bonds now owing by the city of Columbus.

§ 3. This act to take effect from its passage.

Approved May 24, 1861.

CHAPTER 54.

AN ACT to amend the charter of the Hart County Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. A. Smith, John S. Bohannon, and W. J. M. Thomas, trustees of common school district No. 22, of Hart county, be, and they are hereby, appointed trustees of the Hart Seminary; a majority of whom shall be sufficient to

transact any business authorized by said act: *Provided*, That said F. A. Smith, Jno. S. Bohannon, and W. J. M. Thomas, shall continue in office as trustees of said Seminary, only so long as they remain in office as common school trustees aforesaid.

1861.

§ 2. That the trustees of said common school district shall hereafter be, and constitute the board of trustees of said Seminary, and under the name of the trustees of Hart Seminary; they shall have all the powers, rights, and privileges granted to the trustees of the Hart Seminary by the said act, approved November 5, 1820.

§ 3. That an act, entitled "An act appointing trustees for the Hart County Seminary," approved March the 3d, 1856, be, and the same is hereby, repealed.

Approved May 24, 1861

CHAPTER 56.

AN ACT for the benefit of school district No. 65, in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioner of common schools for Whitley county be, and he is hereby, authorized to correct a clerical error in his annual report for the year 1860, as to the number of children in district No. 65, in said county; and that he submit such corrected report to the Superintendent of Public Instruction, who shall, thereupon, draw the Auditor's warrant upon the treasury for such additional sum of money as the district may be entitled to, as shown by such corrected report, which shall be forwarded to said commissioner, and paid over by him to the trustees of said school district.

§ 2. This act shall take effect upon its passage.

Approved May 24, 1861.

CHAPTER 57.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the act to amend the charter of the city of Louisville, which was approved on 15th day of May, 1861, as prohibits the issuing of warrants upon the treasurer of said city when there is no money applicable to the payment of the same, be, and the same is hereby, repealed, and the power is restored as it existed before the passage of said act.

§ 2. This act to take effect from its passage.

Approved May 24, 1861.

1861.

CHAPTER 58.

AN ACT to change the boundary line between the counties of Hart, Barren, and Metcalfe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county surveyor of Metcalfe county is hereby directed to change the dividing line between the counties of Barren and Metcalfe, so as to include the premises of Henry Petty, Martha Ratliff, William Twyman, and David Watt in the county of Barren instead of Metcalfe, and to change the boundary line between Hart and Metcalfe, so as to include the residence of Dr. Wm. Edwards in Hart county.

§ 2. This act to take effect from its passage.

Approved May 24, 1861.

CHAPTER 59.

AN ACT for the benefit of school district No. 24, in Hopkins county.

WHEREAS, It is represented to this General Assembly that the trustees of the common school district No. 24, in Hopkins (now Webster) county, employed a teacher according to the requisitions of law, who, from a spell of sickness, failed to teach a full term in the year 1859, by some twenty days, but completed the term in 1860; and whereas, there is no law authorizing the Superintendent of public schools to remunerate said teacher for his services; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the aforesaid common school district are hereby authorized to report said district to the common school commissioner for the county of Hopkins, on or before the 1st of December next, and he to the Superintendent by 1st of January, 1862; and should said report of said trustees show that a school of three months, or as much as three months, has been taught in said district in the years aforesaid, and upon the Superintendent of Public Instruction's receipt of said report, the Auditor is authorized and required to issue his warrant on the Treasurer for the amount that may be found due said district

§ 2. This act to take effect from its passage.

Approved May 24, 1861

CHAPTER 61.

1861.

AN ACT for the benefit of the sheriffs of Barren and Metcalfe counties.

WHEREAS, The county court clerk and sheriff of Barren county, under the advice of the Attorney General of the State of Kentucky, placed in the hands of the sheriff of Metcalfe county a list of the taxes and levies due and collectable for the year 1860, from the citizens of that part of Barren county which was included in the county of Metcalfe at its formation, to be collected by said sheriff of Metcalfe; and whereas, the Auditor, in his settlement with said sheriff of Barren, gave him credit for the revenue so listed with the sheriff of Metcalfe; but the county levy so listed with him, as represented to the General Assembly, has never been accounted for to Barren by said sheriff of Metcalfe, and the same is justly due to said county of Barren and the creditors thereof; therefore, for remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action aforesaid of the Auditor in giving credit to the sheriff of Barren county, be, and the same is hereby, ratified and confirmed.

§ 2. That it shall and may be lawful for Mike H. Dickinson, sheriff of Barren county, to demand of the sheriff of Metcalfe the county levy levied by the county court of Barren at the November term, 1859, so far as the same was collectable from the citizens of said county included in the limits of Metcalfe county, and included in the list furnished to the sheriff of Metcalfe county by the county court clerk of Barren county; and said sheriff of Metcalfe county shall pay over the same to him, and upon the refusal or failure of said sheriff of Metcalfe to pay over the same upon such demand, the said Dickinson may proceed by motion against said sheriff of Metcalfe and his sureties before the county court of Barren county, upon giving ten days notice of said motion; and said court may render judgment against said sheriff of Metcalfe and his sureties for the amount of said county levy aforesaid: *Provided, however,* That said sheriff of Metcalfe shall be permitted at the time of said county court to which said motion is returnable, or at any term previous, to return his list of delinquents in said boundary, and the same, with commissions to which he is entitled by law for collecting said levy, shall be credited on the amount due from him; and said county court may give said sheriff, on application, such further time as may, under all the circumstances, be reasonable to return said delinquent list.

§ 3. That upon any judgment so rendered, execution shall issue in ten days after the rendition thereof, and shall not be replevied, but shall be indorsed by the clerk, "no security of any kind to be taken."

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§ 4. That in any settlement of the said sheriff of Metcalfe with the county court thereof, he shall not be charged with the money herein directed to be paid to the sheriff of Barren county; and if in any settlement he has been so charged, the county court of said county shall, by appropriate orders and proceedings, correct the same.

§ 5. That if any of the creditors of Barren county shall motion the sheriff of said county, or his sureties, for failure to pay claims allowed them to be paid out of the county levy laid at the November term, 1859, it shall be lawful for said sheriff, or his sureties, to show that he has paid out all the said levy, exclusive of what was placed in the hands of the sheriff of Metcalfe; and on such fact appearing, the county court of Barren county shall dismiss said motion at the costs of the person making it; but such dismissal shall not bar a subsequent motion after the levy shall have been collected from the sheriff of Metcalfe, as hereinbefore provided, nor shall such defense be available to the sheriff of Barren county, or his sureties, after he could by reasonable diligence have collected said money from said sheriff of Metcalfe.

§ 6. That it shall be the duty of the county attorney of Barren county to prepare and attend to said motion in behalf of the sheriff of Barren county against the sheriff of Metcalfe and his sureties.

§ 7. This act shall take effect from its passage.

Approved May 24, 1861.

CHAPTER 62.

AN ACT for the benefit of D. A. Houseman, of Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the treasury, in favor of D. A. Houseman, for forty dollars.

§ 2. This act to take effect from its passage.

Approved May 24, 1861.

CHAPTER 63.

AN ACT changing the county line between the counties of Graves and Hickman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between the counties of Hick-

man and Graves be so changed as to include the residence of T. A. Slayden in Hickman county.

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§ 2. This act to take effect from its passage.

Approved May 24, 1861.

CHAPTER 64.

AN ACT in relation to the Wilderness road, in Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the gate-keeper on the Wilderness road, in Knox county, shall hereafter keep a separate account of all tolls paid at said gate by the people of Harlan county, and shall pay the same to the commissioners of said road, who shall disburse the same to the branches of said road, in such manner as may be most equitable and politic for the public interest. But this act, so far as requires the keeping of the tolls paid by citizens of Harlan in a separate account, shall only be in force until the next letting of the gate, after which time no separate account of tolls shall be required; and the money received from said gate shall thereafter be applied by the commissioners on the different branches of said road as may best subserve the interest of said road, and as may be most equitable, as regards the interests of said road and branches; but this act shall not be construed to interfere with the existing law in relation to the payment of the debts of said road and gate, except to regulate the disbursement of the fund which may by former law be distributable.

§ 2. This act shall be in force from its passage.

Approved May 24, 1861

CHAPTER 65.

AN ACT for the benefit of William Henderson, jr,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts, be, and he is hereby, authorized to issue his warrant upon the Treasurer, in favor of William Henderson, jr., for the sum of fifteen dollars, for services rendered the Commonwealth.

§ 2. That this act be in force from its passage.

Approved May 24, 1861.

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CHAPTER 66.

AN ACT to incorporate the Mt. Sterling and Spencer Creek turnpike road company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed, for the purpose of making a macadamized, plank, or other artificial road, in all or in part of either material, (and omitting either material when the ground may not require it,) from Mt. Sterling, Montgomery county, to or near Spencer creek meeting-house, thence the most practicable route to or near Wm. T. Gatewood's mills, in said county, under the name and style of "The Mt. Sterling and Spencer Creek turnpike road company."

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. The books for subscription of stock shall be opened by Dillard Hazelrigg, Wm. C. Megowan, James Gatewood, W. R. Maupin, John D. Orear, and James M. Foster, who are hereby appointed commissioners for said purpose, at such times and places as they or a majority of them shall deem proper. They shall insert an obligation in the subscription books, as follows: We, whose names are hereunto subscribed, severally promise to pay to the president, directors, and company, of the Mt. Sterling and Spencer Creek turnpike road company, the sum of twenty-five dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be by them required under the law incorporating said company, to be collected as any other debt; witness our hands this ——— day of ———, 18—. When the sum of six thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners named in this section to give notice in such manner as they may think proper, a meeting of the stockholders at such time and place as the notice may specify, for the purpose of electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The times and places of all elections, after the first election, shall be fixed by the president and directors; and a majority of the board shall be competent to transact business.

§ 4. So soon as said company is organized by the election of officers, the president and directors shall be a body politic and corporate, in fact and in law, under the name and style of the "The Mt. Sterling and Spencer Creek

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turnpike road company;" and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof; and taking and holding, by purchase or gift, all such lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of their work, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and to be sued, plead and be impleaded, answer and be answered, in any court of law or equity or elsewhere; also to have and use a common seal, and generally to do all and any act, matter, or thing, which a corporation may lawfully do to effect the objects for which this corporation is created.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, the width of the part thereof to be covered with stone or gravel, shall designate the point at which said road shall enter the corporate limits of Mt. Sterling, and the point at or near Spencer creek meeting-house it shall pass, and the point at or near Wm. T. Gatewood's mills it shall terminate; shall designate the places of erecting toll-gates; may fix the rates of toll; may regulate and change the same; but said rates shall not exceed those prescribed by the general law. The president and directors shall have power, after three miles of said road shall have been completed, to erect a toll-gate and collect toll, and shall apply the proceeds thereof to the completion of the road.

§ 6 The president and directors, with their surveyors, engineers, artists, and chain-carriers, are hereby authorized and empowered, to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which the intended road may pass, and to examine and survey the ground most proper for that purpose, to examine quarries or beds of stone, or other material necessary for the construction of said road.

§ 7. It shall be lawful for the president and directors, with their superintendents, engineers, workmen, with their tools, instruments, carts, wagons, and other carriages, and their beast of draught or burthen, to enter upon the land in and over, contiguous and near to which said road shall pass, having first given notice of their intention to the owners and occupiers thereof, or their agents: *Provided*, That if the president and directors shall not agree with the owners of the land, through which said road is to pass, as to the damages which the owners sustain by the road passing through their lands, the president and directors shall apply to the county court of Montgomery county for a writ of *ad quod damnum* to assess the damages which may be sustained by the owners of said land; and the jury,

1861. in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages, by the establishment of said road; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction of or repairing said road.

§ 8. The president and directors shall give notice, in such manner as they may deem proper, of the amount of call on each share of stock, and of the time of payment.

§ 9. The president and directors shall appoint a treasurer, and such other officers as they may deem necessary, with such compensation for their services as the president and directors may deem just, who shall hold the offices for one year, and until others shall be appointed and qualified. The treasurer of said company, before he enters on the duties of his office, shall give bond and security in such penalty as the president and directors may require, payable to them, conditional to pay over any amount in his hands to the order of the president and directors.

§ 10. That if any person shall go around or turn off from said road, with the fraudulent intent of avoiding the payment of toll as fixed [by] the president and directors aforesaid, he or they shall, on conviction thereof before a justice of the peace of Montgomery county, be fined five dollars for each offense, to be collected as other sums under the jurisdiction of justices of the peace of this Commonwealth.

§ 11. The county court of Montgomery shall have power, a majority of the justices concurring, to subscribe a sum not exceeding seven hundred and fifty dollars per mile, to the capital stock of said road, to be regarded as other stock.

§ 12. This act to take effect from and after its passage.

Approved May 24, 1861.

CHAPTER 67.

AN ACT to amend an act to incorporate the town of Liberty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the jurisdiction of the police judge and town marshal of the town of Liberty, Casey county, be co-extensive with the bounds of said county in all cases specified in the act to which this is an amendment.

Approved May 24, 1861.

CHAPTER 68.

1861.

AN ACT to change the line of the Williamsburg magistrates' and election district, in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the magistrates' and election district, including Williamsburg, Whitley county, be so changed as to include C. L. Creekmore, and those residing on his farm, in the Williamsburg district; and that at all elections hereafter held they shall be permitted to vote in said district.

§ 2. This act shall be in force from its passage.

Approved May 24, 1861.

CHAPTER 70.

AN ACT to amend an act creating the office of police judge and town marshal in the town of Franklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the 27th section of the act, entitled "An act creating the office of police judge and town marshal in the town of Franklin," approved February 17th, 1858, be so construed as not to be incompatible with sections four and nine of said act.

§ 2. This act shall take effect from and after its passage.

Approved May 24, 1861.

CHAPTER 71.

AN ACT for the benefit of the town of Newcastle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall not be lawful to exhibit any circus or menagerie within one half mile of the limits of the town of Newcastle, in Henry county, until the person or persons controlling or owning the same shall have obtained a license therefor from the trustees of said town.

§ 2. Any person violating the provisions of this act shall be subject to the same penalties now provided by law against such exhibitions without license within the limits of the town aforesaid.

§ 3. This act shall take effect from its passage.

Approved May 24, 1861.

1861.

CHAPTER 72.

AN ACT to amend the charter of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the existing laws be so amended as to vest in the city council of the city of Frankfort the right to grant licenses to sell goods of any kind, by auction or peddling, within the limits of said city. Said council may regulate the fees for all such licenses, provide for their payment into the city treasury, and may grant or refuse such licenses, at their discretion.

§ 2. Any person who shall hereafter sell goods, wares, or merchandise of any kind within said city, by auction or peddling, without first obtaining license as herein required, shall be fined not less than twenty nor more than one hundred dollars, to be recovered by warrant in the name of the Commonwealth, before the police judge of said city.

§ 3. This act shall not have the effect to change the law requiring peddlers to obtain State license.

Approved May 24, 1861.

CHAPTER 73.

AN ACT to change the boundary of the Newcastle magistrates' district, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the boundary of the magistrates' district, in Henry county, in which Newcastle is located, be, and the same is hereby, so changed that the boundary of said magistrates' district shall include all the territory embraced within the Newcastle and Eminence voting precincts.

Approved, May 24, 1861.

CHAPTER 74.

AN ACT to amend the charter of the town of Carlisle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the trustees of the town of Carlisle be, and the same are hereby, authorized to enact such laws as may by them be deemed necessary to prevent hogs from running at large within the corporate limits of said town, by the imposition of fines, or penalties, or taxes, or forfeiture, and sale of such hogs after reasonable notice, or otherwise, in their discretion.

Approved May 24, 1861.

CHAPTER 75.

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AN ACT to alter the lines of Gradyville voting district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the lines of the voting district known as Gradyville district, in Adair county, be so changed as to include the residence of Bethel Compton in said district, and it is hereby included in said district, and said Compton is allowed to vote at Gradyville.

§ 2. This act to take effect from its passage.

Approved May 24, 1861.

CHAPTER 76.

AN ACT giving the county court of Pendleton county jurisdiction over State roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Pendleton county shall hereafter possess the same power over the State roads within said county that it now has over other public highways therein.

§ 2. This act shall take effect from and after its passage.

Approved May 24, 1861.

CHAPTER 77.

AN ACT for the benefit of the commissioners of the penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor be, and he is hereby, authorized and empowered to pay to Dr. Hugh Rodman two hundred and fifty dollars; to Joseph Patterson one hundred dollars, and to C. Drake fifty dollars, out of the money unexpended of the appropriation made for improvements in the penitentiary, in payment for their services as commissioners in superintending the construction of said improvements.

§ 2. This act to take effect from its passage.

Approved May 24, 1861.

1861.

CHAPTER 78.

AN ACT to amend the charter of the Millersburg, Indian Creek Church, and Cynthiana turnpike road company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate name of said company be, and the same is hereby, changed to that of the Millersburg and Indian Creek turnpike road company.

§ 2. The said company shall have power to acquire, for their use, stone-quarries, gravel-pits, land for their toll-houses, in the manner and for the purposes now prescribed by law.

§ 3. That said company shall have the power and authority to collect the same tolls at their gates that are allowed to be collected by the charter of the Maysville, Washington, Paris, and Lexington turnpike road company.

§ 4. That all persons in going to and returning from church on the Sabbath day, in going to and returning from funerals, and in going to and returning from mill on horseback, shall be exempt from the payment of tolls at the gates on said road.

§ 5. This act shall take effect from and after its passage.

Approved May 24, 1861.

CHAPTER 79.

AN ACT to incorporate the Hopkinsville Oil and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John A. F. Brown, P. A. Cushman, J. O. Cushman, M. L. Stulls, and their associates or assigns, or their successors, are hereby incorporated and made a body corporate, with the power and right to do business either in or out of the State of Kentucky, by the name and style of the "Hopkinsville Oil and Mining Company," with perpetual succession, and with power to use a common seal, to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places, and all other powers granted to like corporations in the State of Kentucky. Such by-laws, rules, and regulations for the government of the corporation, as they shall make, if made by the unanimous concurrence of all the corporators, shall have the force of legal enactments, if they do not conflict with the laws of the land.

§ 2. That said company shall have the right to hold, by purchase or lease, lands, tenements, coal, oil, mining rights; the power to engage in the boring for and manufacture of oil of all the different grades, and the lease,

1861.

purchase, and sale of the same, or of the lands or leases to same upon which it may be found, or rights of way or real or mixed estate, in or out of this State, and the same to improve, use, sell, lease, or otherwise dispose of, as they may deem best; also to buy, sell, manufacture, or deal in any articles useful in the prosecution of their business, or which they may deem desirable.

§ 3. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which may be paid in in cash in such installments as the corporators may fix by their by-laws, or in real estate, or in rights to real estate containing oil, coal, or mineral, whether held by deed in fee-simple, or by lease for a term of years; the value of the real estate, or lease to same, so held at the time of making the same, to be determined by the corporators upon the title papers or evidences of ownership to same, to be paid before the company for that purpose. If any of the installments to be paid in cash should remain unpaid for the period of one month after the same are due upon any shares of stock, such stock shall be forfeited to said company; one additional months' notice of such intention being given. The company shall have a lien upon the stock and dividends of any stockholder for any debt or liability he may incur to said corporation. The certificates of stock, signed by the president and secretary of said company, shall be regarded as personal estate, and transferable on the books of said company.

§ 4. The contracts for the purchase or sale of the property of said company shall be attested by the signature of the president and the seal of the company; but such officer shall have no power to make any contract binding said company in any event beyond the stock or property of the company subscribed and paid in and acquired, nor unless by the unanimous consent of said company, previously expressed by vote recorded in the books of the same.

§ 5. This act to take effect from its passage.

Approved May 24, 1861.

CHAPTER 81.

AN ACT to amend the charter of Carrollton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Carrollton, Carroll county, be, and the same is hereby, so amended, as to give to the board of trustees authority to grant coffee-house license, the grantee becoming subject to all restrictions,

LAWS OF KENTUCKY.

1861. obligations, and penalties required and imposed by the general law of the Commonwealth of Kentucky on that subject.

§ 2. The trustees of said town shall charge a tax upon said licenses of not less than ten, nor more than twenty-five dollars, to be collected and applied to the use of said town.

§ 3. No person shall keep a coffee-house within said town, until he has obtained license therefor, as provided in this act.

§ 4. The Legislature reserves the right to amend or abolish this act at pleasure.

§ 5. This act shall take effect from its passage.

Approved May 24, 1861.

CHAPTER 83.

AN ACT for the benefit of T. H. M. Winn, of Barren county.

WHEREAS, By consent of parties, T. H. M. Winn, of Barren county, proposes and has taken steps to adopt Kate B. White, of Simpson county, Kentucky, as his daughter and legal heir; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. H. M. Winn shall have the same parental control of said Kate B. White, and be under the same responsibilities to her, as if she was his own daughter and legal heir.

Approved May 24, 1861.

CHAPTER 84.

AN ACT empowering the Harrison county court to borrow money for poor-house purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Harrison county court, a majority of the justices concurring, is hereby authorized and empowered to borrow a sum not exceeding four thousand dollars, for a period not exceeding two years, and at a rate of interest not greater than ten per cent. per annum, said money to be expended in the payment for a lot of ground, and the erection of suitable buildings thereon for a county poor and work-house for Harrison county.

§ 2. That said Harrison county court is hereby authorized to levy an ad valorem tax on all property in said county subject to taxation for State or county purposes,

not to exceed three cents on the one hundred dollars' worth of property. This power is given for the purpose of paying the loan to be effected in pursuance of the foregoing section; and the money is first to be used for that purpose, and if there should be any balance, it is to be appropriated toward defraying the ordinary expenses of the county. The said court is only authorized to lay said tax for one year.

1861.

§ 3. It is hereby made the duty of the sheriff of Harrison county to collect said tax, under the same rules, regulations, and penalties as now prescribed by law, and pay it over as the county levy is now paid. That it shall be the duty of said Harrison county court to apply the proceeds of the sale of the old poor-house to the payment of the loan authorized in the first section hereof, and the tax is only to be levied for a sum sufficient to pay the balance then due on the loan.

§ 4. This act shall take effect from its passage.

Approved May 24, 1861.



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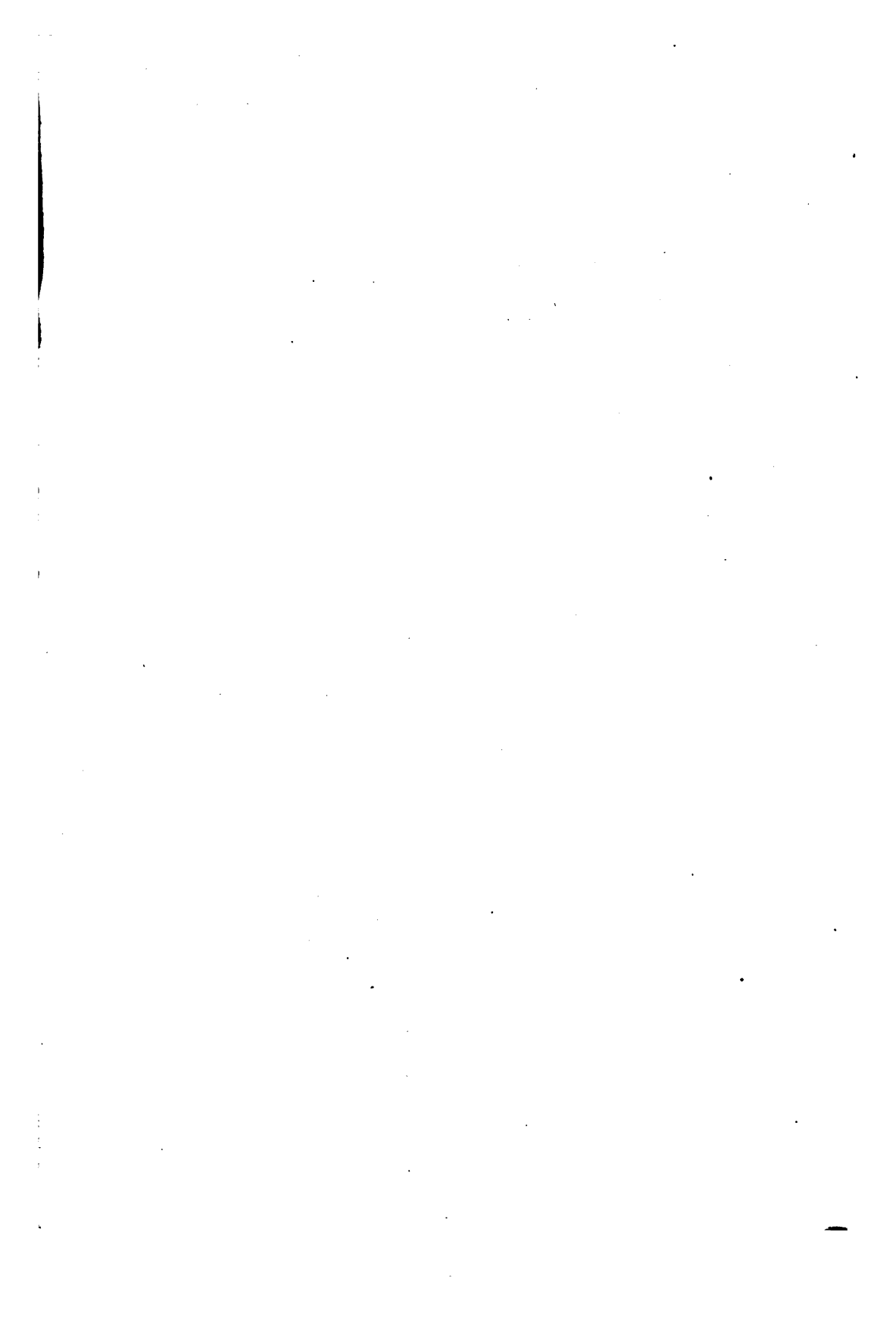
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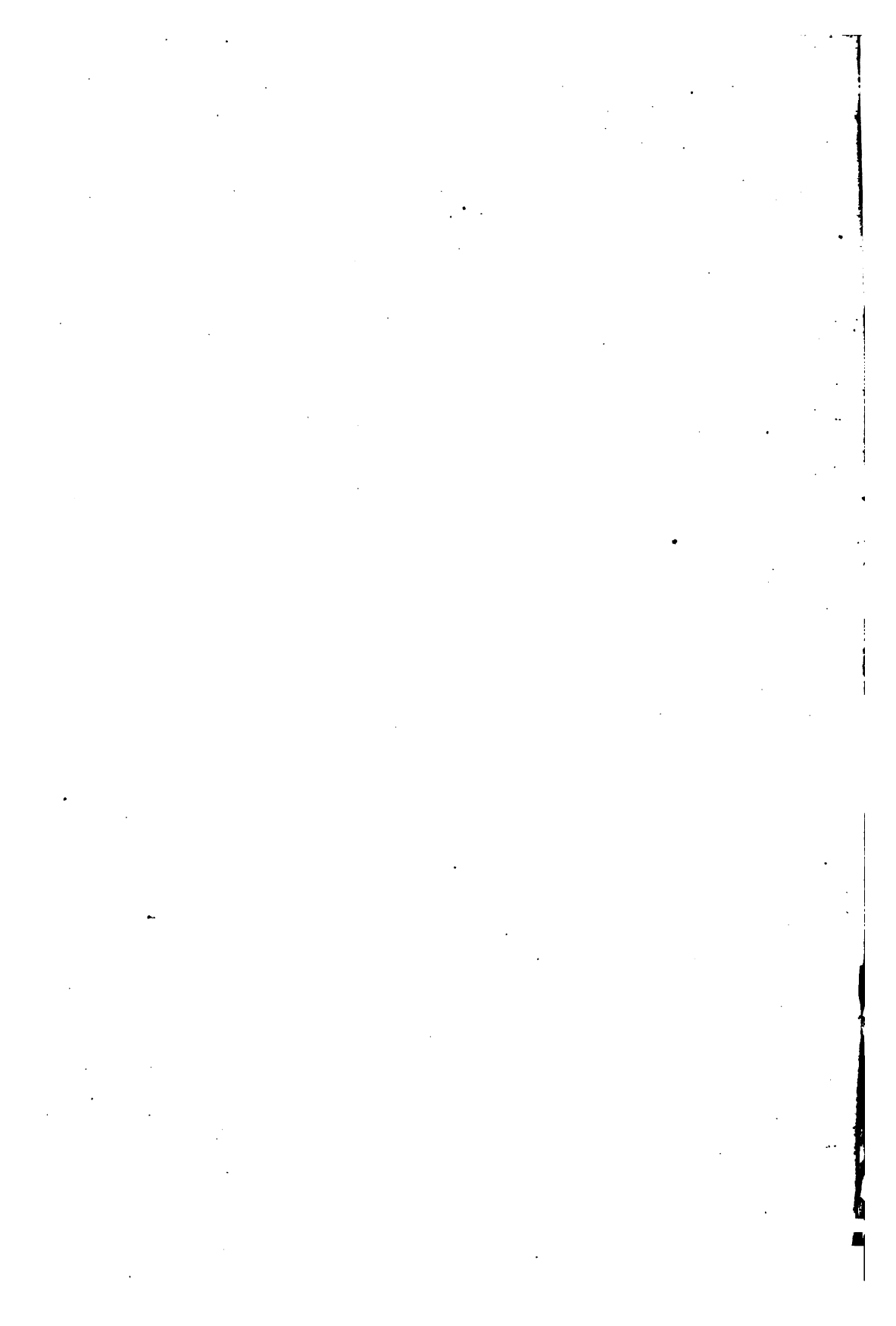
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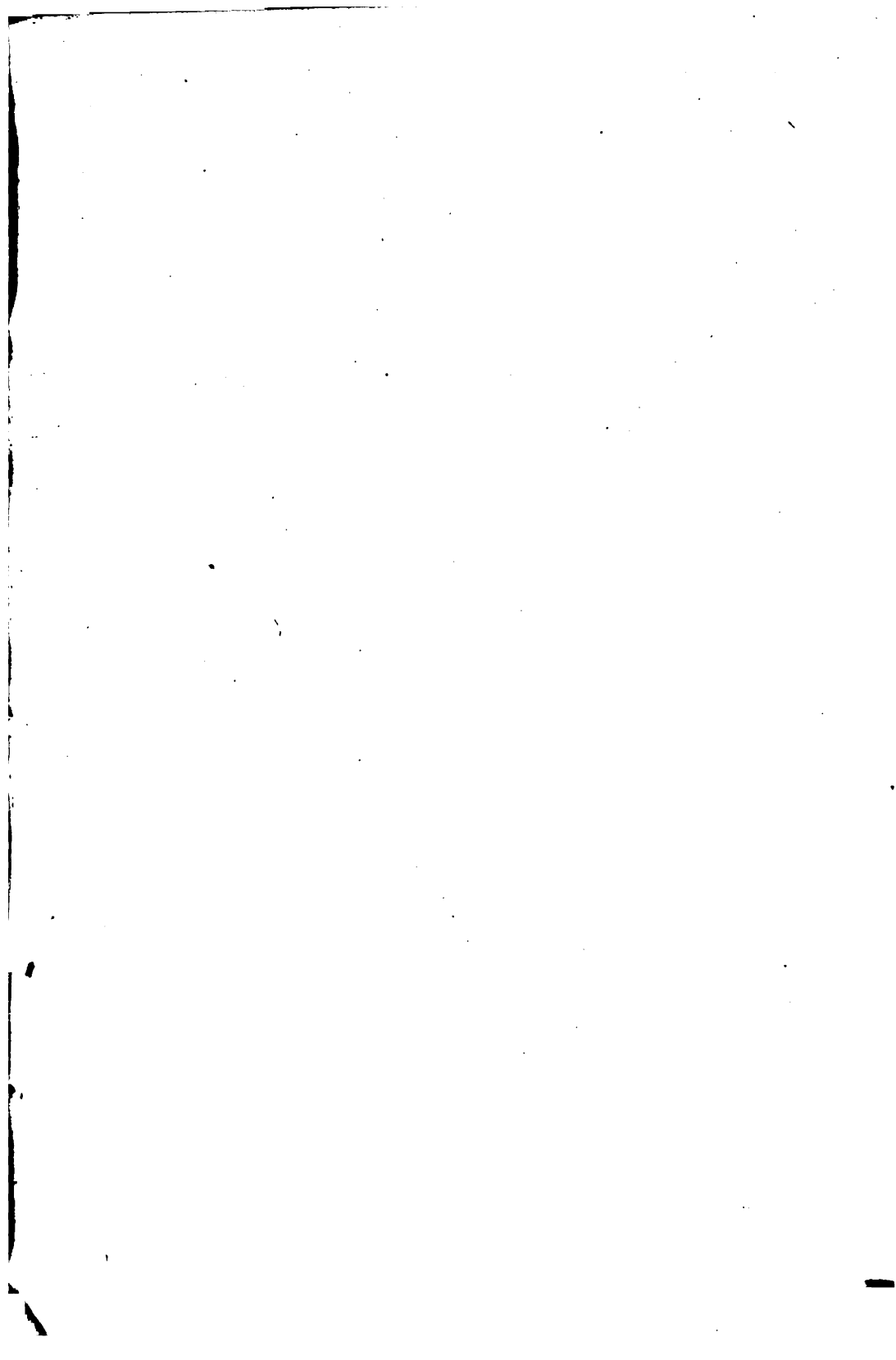
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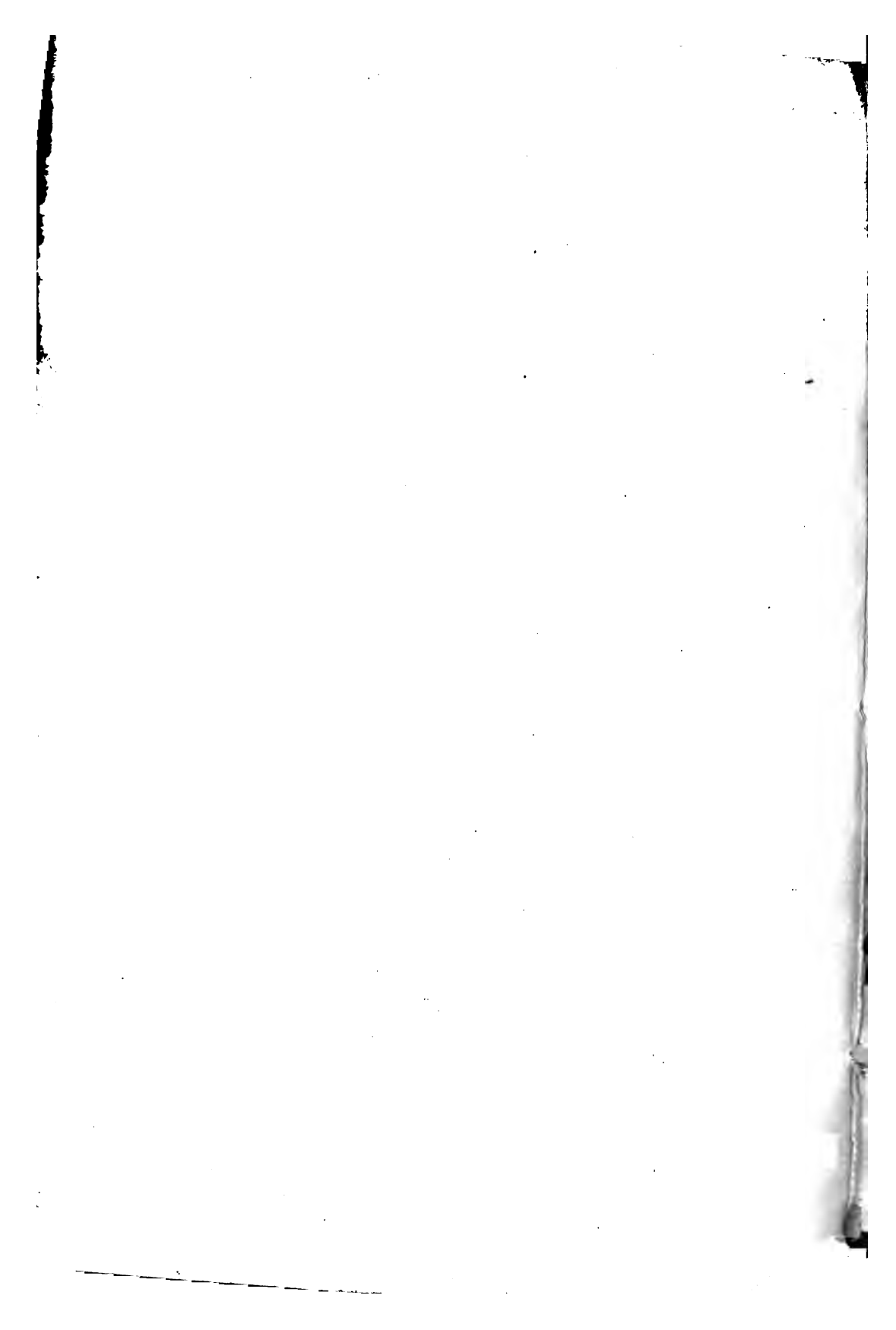
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